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ORIGINAL

6 March 2000

Jake E. Jennings
Deputy Chief
Policy and Program Planning Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Re: CC Docket No. 98-184 Application for Transfer of Control, Bell Atlantic Corporation and GTE Corporation

Dear Mr. Jennings:

On January 31, 2000, the Bureau sought comment on the supplemental filing of Bell Atlantic Corporation (Bell Atlantic) and GTE Corporation (GTE) in support of their request for Commission approval of numerous license transfers necessary for the merger of those two companies. The Bureau asked parties to address, in separate filings, issues related to the purchase by Bell Atlantic of an interLATA provider before Bell Atlantic had authority, pursuant to section 271 of the 1996 Act, to provide interLATA services, as well as other issues related to the parties' supplemental filing.

In approving the license transfers incident to the merger of SBC and Ameritech, the Commission concluded that the combination of those two incumbent LECs would harm the public interest absent the imposition of a series of procompetitive conditions. Recognizing that the Commission would likely make the same conclusion as to their own proposed combination, Bell Atlantic and GTE proactively proposed a series of conditions to which the merged entity would voluntarily submit. In essence, the January 27 filing of Bell Atlantic and GTE was an edited version of the conditions imposed on SBC and Ameritech, with Bell Atlantic and GTE striking out numerous provisions of those conditions to which they are unwilling to subscribe.

In comments filed on March 1, 2000, Covad Communications Company (Covad) highlighted the serious competitive harm that consumers and competitive telecommunications providers would suffer at the hands of a combined Bell Atlantic and GTE. Covad opposed the merger on several grounds, and in the alternative detailed the need for the imposition of conditions at least as stringent as those applied to the combined SBC and Ameritech. Among the most procompetitive of those conditions was

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the requirement that SBC and Ameritech adopt uniform, electronic OSS interfaces for competitive LECs. In the SBC/Ameritech merger, the Commission concluded that requiring the combined SBC/Ameritech to implement a common electronic interface to be used by competitive LECs and the SBC/Ameritech affiliate would lower competitors' costs of providing service. SBC/Ameritech was ordered, in advance of industry standards, to deploy OSS that permitted electronic access to pre-order xDSL loop information and other advanced services features.¹ SBC/Ameritech was also required to provide OSS discounts of 25% recurring and nonrecurring charges in order to incent the company to update its OSS rapidly.²

On the subject of OSS, Bell Atlantic and GTE had one simple response to the procompetitive OSS obligations in the SBC/Ameritech merger: they reject them entirely.³ Claiming that their existing OSS are too complicated and too different to unify, Bell Atlantic and GTE ask for the Commission's blessing of their plan to impose unnecessary and anticompetitive OSS interfaces. Recently, GTE notified Covad that it was rejecting Covad's request to make available the capability of electronically accessing GTE's pre-order OSS through the industry-standard EDI interface. The notification Covad received from GTE is attached to this *ex parte*. As detailed in the attachment, GTE believes it is only obligated to provide a Web GUI-based pre-order OSS interface. As the Commission has determined on numerous occasions,⁴ such a pre-order interface, which requires competitive LECs to parse, or "cut and paste," data from pre-order into ordering systems, is anticompetitive, and does not represent the provisioning of "nondiscriminatory" access to OSS. GTE does not, however, believe that it is subject to those rules.

The powerful combination of Bell Atlantic and GTE should not be permitted to deny competitors the ability to offer service uniformly throughout the combined entity's region. Requiring competitive LECs to deploy different OSS within the same company's region is patently anticompetitive and provides an unfair competitive advantage in ordering, marketing and provisioning service to the incumbent. The Commission sought to eliminate that advantage, and to end years of incumbent slow-rolling in deployment of electronic interfaces, by requiring SBC/Ameritech to implement EDI. In the SBC/Ameritech merger, the Commission spelled out in great detail the type of interface the incumbent had to provide, as well as the timeline it had to follow in implementing the interface. Bell Atlantic and GTE should have the same obligation to ensure that the Commission, not the incumbents, is in control of the pace of competition.

¹ SBC/Ameritech Merger Order at Appendix C, p. 25.

² *Id.* at 28.

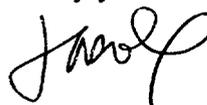
³ BA/GTE Supplemental Filing at D-26.

⁴ See, e.g., *First Local Competition Report and Order*, FCC 96-235, at ¶ 218 ("We believe that the term "nondiscriminatory," as used throughout section 251, applies to the terms and conditions an incumbent LEC imposes on third parties as well as on itself. In any event, by providing interconnection to a competitor in a manner less efficient than the incumbent LEC provides itself, the incumbent LEC violates the duty to be "just" and "reasonable" under section 251(c)(2)(D)."); *Second BellSouth Louisiana 271 Order*, FCC 98-271, at ¶¶ 97-99.

This is the exact scenario the Commission sought to avoid with SBC/Ameritech by requiring the region-wide deployment of EDI interface operability. It is crucial to the ability of competitors to offer service in the Bell Atlantic and GTE region to have access to a uniform, region-wide EDI interface. In addition, Bell Atlantic and GTE should not be permitted to push off the obligation to implement OSS changes to "24 months after the completion of the collaborative process" in the Bell Atlantic and GTE territories.⁵ Covad reiterates the request it made in its March 1, 2000, comments, that the Commission require, as a condition of the approval of the license transfers in Docket 98-184, that the combined Bell Atlantic and GTE make available a uniform, industry-standard EDI interface for all OSS transactions throughout its region within 3 months of the Commission's approval of those transfers.

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely yours,



Jason Oxman

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⁵ BA/GTE Supplemental Filing at D-33.

Oxman, Jason

From: Bradley, Sarah
Sent: Wednesday, April 05, 2000 5:22 PM
To: Jason Oxman (E-mail)
Subject: FW: Loop Qualification

-----Original Message-----

From: Richard Kelly [mailto:richard.kelly@telops.gte.com]
Sent: Wednesday, March 08, 2000 11:21 AM
To: bogdan.szafraniec@oknotechnologies.com
Cc: Bradley, Sarah; Dunlap, Steve; Steve Cichelli (E-mail)
Subject: RE: Loop Qualification

I apologize for not getting back with you sooner. Trying to tie some loose ends up and have been sequestered in the usual meetings. The following announcement went out on Monday of this week. GTE will not build an EDI interface for loop qualification information. GTE does not feel that the FCC order requires a specific interface, but requires a mechanized solution, which GTE is building.

I will be out of town starting in about an hour for the next several weeks. Linda Robbins will be in charge for me during my absence. She can be reached at linda.robbins@telops.gte.com

thank you

richard

General Announcement/Information
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Loop Qualification Access via WISE

A new addition is coming to WISE. In late May or early June a new Application will be added to the WISE suite.

CLEC's can obtain Loop Qualification data from GTE via a fully mechanized interface. By input of a valid street address or working GTE telephone number, the user will receive loop information formatted per the LSOG 4/5 Loop Qualification response fields.

GTE is building the Internet GUI to conform to the OBF LSOG standards. These standards include bridge tap location, length and quantity, the presence of a DAML, DLC type if any, any F1 or F2 disturbers and location, loop composition, the presence of load coils, loop length, the presence of pair gains, and additional miscellaneous information.

The use of the loop qualification interface requires the CLEC to sign-up for WISE Loop Qualification Access including additional security requirements. Instructions and a release date will be provided at a later time.

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Richard Kelly  
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