



EX PARTE OR LATE FILED  
ORIGINAL

June 22, 2000

Via Hand Delivery

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED  
JUN 22 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

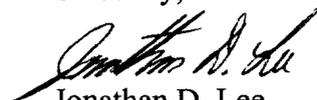
Re: *Ex Parte* Presentation in CC Docket No. 98-141 / ASD File No. 99-49

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, the Competitive Telecommunications Association ("CompTel") hereby gives notice that on June 21, 2000, its representatives met with Dorothy Attwood, Legal Advisor to Chairman Kennard. CompTel urged the Commission to condition any waiver of SBC's merger conditions in order to ensure that competitors will continue to be able to offer facilities-based services in competition with SBC's ILEC and advanced services affiliate.

CompTel also used a visual presentation as a basis for discussion. A copy of this presentation is enclosed with this filing. Representing CompTel were Michelle Cadin, Law Clerk, and the undersigned attorney.

Sincerely,

  
Jonathan D. Lee  
Vice President,  
Regulatory Affairs

No. of Copies rec'd 07/1  
List A B C D E

# **CompTel's Position on SBC's Project Pronto Waiver Request**

**Meeting with Dorothy Attwood  
June 21, 2000**

**CompTel** 

ADVANCING GLOBAL COMMUNICATIONS THROUGH COMPETITION

# **FCC Broadband Issues**

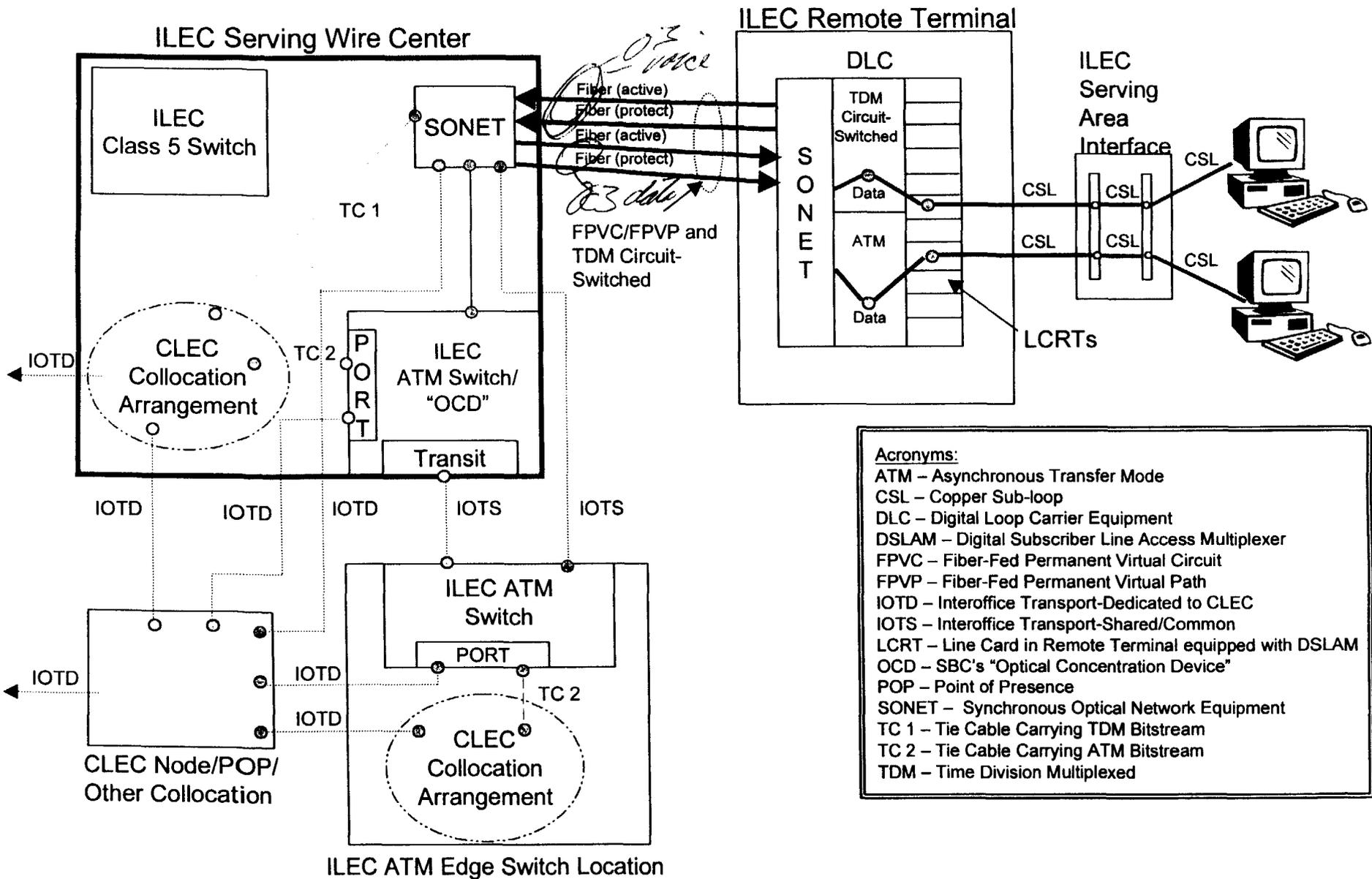
## **SBC's Pronto Waiver Request**

On Feb. 15, SBC requested an interpretation, or waiver from the terms of its Merger Conditions in order to implement its "Project Pronto"

The basic architecture of Project Pronto is designed to shorten most residential customers' loop lengths to 12 klft by deploying 20,000 fiber-fed remote terminals

# Project Pronto Fiber-Fed DLC Configuration

Source: Rhythms Presentation at CompTel Business Conference 5/25/00



**CompTel**

# Pronto's Potential

Overlay network has the potential to accommodate even more competitive alternatives than exist today

symmetric data services, supporting applications such as VoDSL

video services

in addition to traditional POTS and high-speed Internet

# **Pronto As Proposed By SBC**

Competitors would be limited to services supported by the ILEC's vendor of choice

Line Cards of other vendors are not compatible

Fiber feeder's capacity limited to OC3

Competitors cannot buy more

Competitors cannot buy dedicated capacity (permanent virtual path)

**CompTel**

# **Pronto As Proposed (cont'd)**

Collocation space in the remote terminal is limited, and of limited benefit

No choice of QoS for Permanent Virtual Circuits (PVCs)-only UBR (unspecified bit rate)-cannot support symmetric services

SBC's equipment gets benefit of "splice point" interconnection with the copper sub-loop

CLECs must run cable from the RT to SAI

**CompTel**

# **Pronto As Proposed (cont')**

No means for CO-based CLECs to provide POTS and data in competition with SBC

Where collocation is not possible, SBC offers "Broadband Service" for resale

allows CLECs no ability to differentiate service  
not a "UNE", thus:

- no access to full functionality of equipment
- no pricing/provisioning/auditing guarantees

**CompTel**

# **CompTel's Proposed Conditions**

CompTel has proposed supplemental conditions that will, if adopted, provide competitors with the same access to basic network services enjoyed by SBC's affiliate, thereby encouraging competitive advanced services deployment

**CompTel**

# CompTel's Conditions

Condition SBC's ability to market to new customers, on demonstrating that competitors can compete on parity

CLECs must be able to provide POTS/Data

Require SBC to allow competitors to differentiate their data services:

Compatible Cards

Usable Collocation

**CompTel**

# **CompTel's Proposed Conditions (cont'd)**

Require that competitors with equipment in the CO not be "stranded"

- retain access to existing copper facilities

New Pronto-related wholesale offerings must be offered as UNEs, ensuring

- Cost-based prices, provisioning parity, and compliance auditing

**CompTel**

# **FCC Must Ensure Pronto's Implementation Does Not Foreclose Competition**

## **FCC Must Retain Oversight of SBC's Implementation of Modified Conditions**

Competitors must be able to obtain quick, efficient resolution of competition-affecting issues as Pronto is deployed

Because of 251(h) "presumption" that SBC's advanced services affiliate is not subject to Sections 251 and 252 of the Act, the role of states--to order relief, or provide interpretations, where merger conditions are involved--is unclear

Because Pronto is a new network, presently under construction, many existing obligations (under both the Act and the merger conditions) may need, or benefit from, clarification

# **FCC Must Ensure Pronto's Implementation Does Not Foreclose Competition**

If the Commission declines to retain a stewardship role in guiding SBC's proposed Pronto deployment, the Commission should reject SBC's current waiver request, which would force SBC to obtain the support of unaffiliated carriers in any subsequent request for a waiver; or

If the Commission grants SBC's request, but does not want to assume an active role in ensuring that SBC's evolving plans for Pronto comply with the Act and the merger conditions, the FCC should explicitly eliminate any "presumption" regarding the 251(h) status of SBC's advanced services affiliate.

Affiliate would be "successor or assign" of an ILEC, and, thus, subject to all other obligations of ILECs under the Act

**CompTel**