



## DISCUSSION

WorldCom challenges USTA's assertion that duct space reserved for maintenance purposes should be treated as "unusable space" and that the costs associated with this duct space should be recovered from all users.<sup>5</sup> In its Petition, USTA asked the FCC to reconsider its decision to treat duct space reserved for maintenance purposes as "usable space."<sup>6</sup> WorldCom offers no support for its conclusion that maintenance ducts are used "on an ongoing basis by incumbent local exchange companies" for other than maintenance purposes.<sup>7</sup> WorldCom simply refers back to its Reply Comments filed earlier in this proceeding.<sup>8</sup>

Although WorldCom contends in its Opposition that maintenance ducts are used on an ongoing basis for other than maintenance purposes by ILECs, it does not support its contention. In fact, in its earlier Reply Comments, WorldCom conceded that at least one innerduct per conduit system should be reserved for maintenance purposes.<sup>9</sup> WorldCom is simply wrong when it now suggests that duct space is not being reserved by ILECs for maintenance purposes. WorldCom's new-found position with respect to ILECs' reservation of duct space for maintenance purposes is nothing more than a gratuitous snipe at ILECs, and it lacks credibility.

---

<sup>4</sup> Amendment of Rules and Policies Governing Pole Attachments, CS Docket No. 97-98, FCC 00-116, Report and Order (rel. Apr. 3, 2000).

<sup>5</sup> Opposition at pp. 8 and 9.

<sup>6</sup> Petition at pp. 5 and 6.

<sup>7</sup> Opposition at pp. 8 and 9.

<sup>8</sup> Reply Comments of MCI Telecommunications Corporation (Reply Comments), filed August 11, 1997.

In addition to concluding that duct space reserved for maintenance purposes is used for nonmaintenance purposes, WorldCom also contends that reserved maintenance ducts are not needed by telecommunications services providers in order to repair their cables. Again citing to its earlier filed Reply Comments, WorldCom submits that the repair of a defective cable can be accomplished as follows:

[A] replacement cable is placed out of the manhole, along the curb of the street, and into the next manhole. A section throw is then completed to replace the bad section of cable by transferring working service into the curb line cable. The defective section is then pulled out of the conduit system, a new cable is placed in the now spare duct, and a section throw is completed from the curb line cable into the new section of underground cable.<sup>10</sup>

Although the approach described by WorldCom is technically possible, there is no evidence offered that it is a standard industry practice for the repair of cable by telecommunications services providers. Rather, sound engineering practices require that maintenance ducts be available to provide safe and efficient service repairs. Further, WorldCom's suggested approach increases the time for completing the repair and adds costs because it requires additional splices to set up the temporary "curb line cable."

The most efficient and cost-effective method to accomplish a cable repair is to place a new section of cable in a reserved maintenance duct and transfer working service to it without further interruption. Once the defective cable is removed from the conduit, the now spare duct is reserved for future maintenance purposes. This is the more typical, if not standard, industry practice.

---

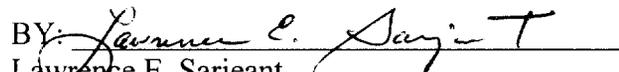
<sup>9</sup> Reply Comments at pp. 47 and 48.

<sup>10</sup> Id. at p. 48.

For the reasons set forth above, USTA renews its request that the FCC reconsider its decision to treat duct space reserved for maintenance purposes as “usable space.” Instead, duct space reserved for maintenance purposes should be treated as “unusable space,” and the cost for this duct space should be recovered from all users.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

BY:   
Lawrence E. Sarjeant  
Linda L. Kent  
Keith Townsend  
John W. Hunter  
Julie E. Rones

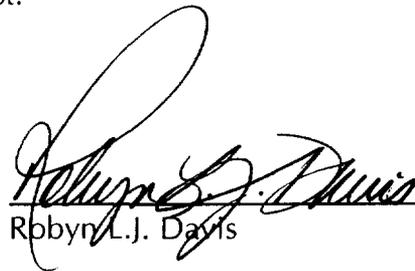
Its Attorneys

1401 H Street, NW, Suite 600  
Washington, DC 20005-2164  
(202) 326-7300

August 2, 2000

**CERTIFICATE OF SERVICE**

I, Robyn L.J. Davis, do certify that on August 2, 2000 the above Reply Comments of the United States Telecom Association was delivered via the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

  
Robyn L.J. Davis

Paul Glist  
John Davidson Thomas  
Cole, Raywid & Braverman, LLP  
1919 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006

David L. Lawson  
Scott M. Bohannon  
AT&T  
1722 Eye Street, NW  
Washington, DC 20006

Jay C. Keithley  
Sprint  
401 9<sup>th</sup> Street, NW  
Suite 400  
Washington, DC 20004

Richard J. Metzger  
Emily M. Williams  
ALTS  
888-17th Street, NW  
Suite 900  
Washington, DC 20006

Catherine R. Sloan  
Richard L. Fruchterman  
Richard S. Whitt  
WorldCom, Inc.  
1120 Connecticut Avenue, NW - Suite 400  
Washington, DC 20036

Lori L. Ortenstone  
SBC Comms.  
525 B Street - Room 900  
San Diego, CA 92101

Durward D. Dupre  
Mary W. Marks  
Jonathan W. Royston  
SBC  
One Bell Center - Room 3520  
St. Louis, MO 63101

Eric E. Breisach  
Christopher C. Cinnamon  
Kim D. Crooks  
Howard & Howard  
107 West Michigan Avenue - Suite 400  
Kalamazoo, MI 49007

Mark C. Rosenblum  
Roy E. Hoffinger  
Connie Forbes  
AT&T  
295 North Maple Avenue - Room 3245G1  
Basking Ridge, NJ 07920

Joseph P. Cowin  
Sprint  
P.O. Box 11315  
Kansas City, MO 64112

David N. Porter  
Anne La Lena  
WorldCom, Inc.  
1120 Connecticut Avenue, NW  
Suite 400  
Washington, DC 20036

James D. Ellis  
Robert M. Lynch  
David F. Brown  
SBC Comms.  
175 E. Houston - Room 1254  
San Antonio, TX 78205

Margaret E. Garber  
SBC Comms.  
1401 Eye Street, NW  
Suite 1100  
Washington, DC 20005

Robert H. Mackey  
Southeastern Indiana REMC  
P.O. Box 196  
Osgood, IN 47037

David L. Swanson  
Edison Electric Institute  
701 Pennsylvania Avenue, NW  
Washington, DC 20004

Jeffrey L. Sheldon  
UTC  
1140 Connecticut Avenue, NW  
Suite 1140  
Washington, DC 20036

Walter Steimel, Jr.  
Richard E. Jones  
Hunton & Williams  
1900 K Street, NW - Suite 1200  
Washington, DC 20006

Marjorie K. Conner  
Ronnie London  
Hunton & Williams  
1900 K Street, NW - Suite 1200  
Washington, DC 20006

William J. Niehoff  
Union Electric Co.  
1901 Choteau Avenue  
P.O. Box 66149 (M/C 1310)  
St. Louis, MO 63166

Martin F. Heslin  
Con Edison  
Four Irving Place  
New York, NY 10003

Sarah D. Smith  
PSC of New Mexico  
Avvarado Square, Mailstop 0806  
Albuquerque, NM 87158

Gardner F. Gillespie  
Cindy D. Jackson  
Hogan & Hartson  
555 13th Street, NW  
Washington, DC 20004

Brian Conboy  
Michael G. Jones  
Gunnar D. Halley  
Willkie Farr & Gallagher  
1155 21st Street, NW - Three Lafayette Centre  
Washington, DC 20036

Shirley S. Fujimoto  
Christine M. Gill  
McDermott, Will & Emery  
1850 K Street, NW - Suite 500  
Washington, DC 20006

Thomas J. Navin  
Catherine M. Krupka  
McDermott, Will & Emery  
1850 K Street, NW - Suite 500  
Washington, DC 20006

Rick C. Giannantonio  
Ohio Edison Co.  
76 South Main Street  
Akron, OH 44308

John F. Hamilton  
Ohio Edison Co.  
76 South Main Street  
Akron, OH 44308

Paul A. Gaukler  
Norman J. Fry  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037

Steven J. Del Cotto  
Duquesne Light Co.  
411 Seventh Avenue, 16-006  
P.O. Box 1930  
Pittsburgh, PA 15230

Ward W. Wueste  
Gail L. Polivy  
GTE  
1850 M Street, NW  
Suite 1200  
Washington, DC 20036

R. Michael Senkowski  
Robert J. Butler  
Bryan N. Tramont  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 20006

Betsy L. Anderson  
Verizon Communications  
1320 North Court House Road  
Eighth Floor  
Arlington, VA 22201

Robert P. Slevin  
Verizon Communications  
1095 Avenue of the Americas  
Room 3731  
New York, NY 10036

James T. Hannon  
U S WEST  
1020 19th Street, NW  
Suite 700  
Washington, DC 20036

Gerald A. Friederichs  
SBC  
30 S. Wacker Drive - 39th Floor  
Chicago, IL 60606

M. Robert Sutherland  
Theodore R. Kingsley  
BellSouth Corp.  
1155 Peachtree Street, NE  
Atlanta, GA 30309

Diane C. Iglesias  
SNET  
227 Church St.  
New Haven, CT 06510

Tricia Breckenridge  
KMC Telecom Inc.  
1580 South Milwaukee Ave.  
Suite 305  
Libertyville, IL 60048

Cheryl A. Tritt  
James A. Casey  
Morrison & Foerster LLP  
2000 Pennsylvania Ave., NW  
Washington, DC 20006-1888

L. Marie Guillory  
NTCA  
4121 Wilson Boulevard  
Tenth Floor  
Arlington, VA 22203