

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of the Local ) CC Docket No. 96-98  
Competition Provisions of the )  
Telecommunications Act of 1996 )

**REPLY OPPOSITION COMMENTS  
OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (“USTA”) hereby files its reply comments in opposition to the waiver request of WorldCom.<sup>1</sup> WorldCom has simply restated and filed arguments that the Commission has already addressed and rejected in prior Orders.<sup>2</sup> As acknowledged by commenters, WorldCom attempts to use the Commission’s waiver process to accomplish that which the Commission has already rejected in the *Supplemental Order Clarification*.<sup>3</sup> The Commission should reject again WorldCom’s arguments by denying its Petition for Waiver. If granted, WorldCom’s

<sup>1</sup> FCC Public Notice DA 00-2131 released September 18, 2000 referencing WorldCom’s September 12, 2000 Petition for Waiver.

<sup>2</sup> See *Supplemental Order*, 15 FCC Rcd 1760 (November 24, 1999), *Supplemental Order Clarification*, 15 FCC Rcd 9587 (June 2, 2000).

<sup>3</sup> *BellSouth Comments in Opposition* at 1 (“Even accepting WorldCom’s petition as procedurally legitimate, the substance of it contravenes several explicit judgments the Commission made in the Supplemental Order Clarification.”); *NECA Comments* at 4 (“Further, it appears that the Commission has already considered - and rejected - many of WorldCom’s proposals . . .”); *SBC Opposition Comments* at 1 (“WorldCom’s waiver request is nothing more than a petition for reconsideration offered under the guise of a waiver. In fact every single argument offered in this waiver request already has been considered and rejected by the Commission.”); *Verizon* at 1 (“ The Commission should give WorldCom’s arguments no more credence in the guise of a waiver than when it denied them as a matter of policy four month ago.”).

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Petition for Waiver would render the Commission's *Supplemental Order Clarification* a nullity.

AT&T, NET2000, and VoiceStream merely repeat arguments raised in WorldCom's Petition for Waiver. These arguments have already been addressed by the Commission in the *Supplemental Order Clarification*. Neither WorldCom, nor supporters of its Petition for Waiver, have met the Commission's requirement that special circumstances be shown to support granting a waiver of its regulations.<sup>4</sup> WorldCom's Petition for Waiver should be denied by the Commission.

The impact of granting the requested relief sought by WorldCom would be catastrophic. The Commission's *Supplemental Order Clarification* would have no legal meaning. As BellSouth correctly states "WorldCom's petition would prematurely undercut universal service funding ..., undercut the market position of competitive access providers ... with the unfavorable market consequences the Commission wanted to avoid .... [and] gut the [*Supplemental Order Clarification*] by removing its local exchange requirements."<sup>5</sup>

WorldCom seeks to subvert the *Supplemental Order Clarification* in a Petition for Waiver that offers no special circumstances or public interest benefits to justify a

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<sup>4</sup> See *McLeod USA Petition for Waiver* at 3, ¶4, CC Docket No. 94-129, Order released September 21, 2000 ("Waiver of the Commission's rules is ... appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.") See also, *Qwest Comments* at 4-5 ("WorldCom's attempt to manufacture special circumstances is nothing but a thinly-veiled attempt to modify an important substantive provision of the Supplemental Order Clarification on an industry wide basis.").

<sup>5</sup> *BellSouth Comments in Opposition* at 2-3.

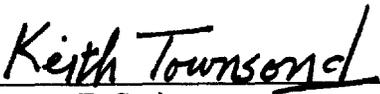
departure from Commission regulations. The Commission should deny WorldCom's  
Petition for Waiver.

Respectfully submitted,

**UNITED STATES TELECOM ASSOCIATION**

October 10, 2000

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## CERTIFICATE OF SERVICE

I, Gail Talmadge, do hereby certify that copies of the foregoing *Reply Opposition Comments of the United States Telecom Association*, in CC Docket No. 96-98, were served this 10th day of October, 2000, by hand delivery or postage-paid, first class mail to the parties on the attached list.

  
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