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Before the
Federal Communications Commission
Washington, DC 20554

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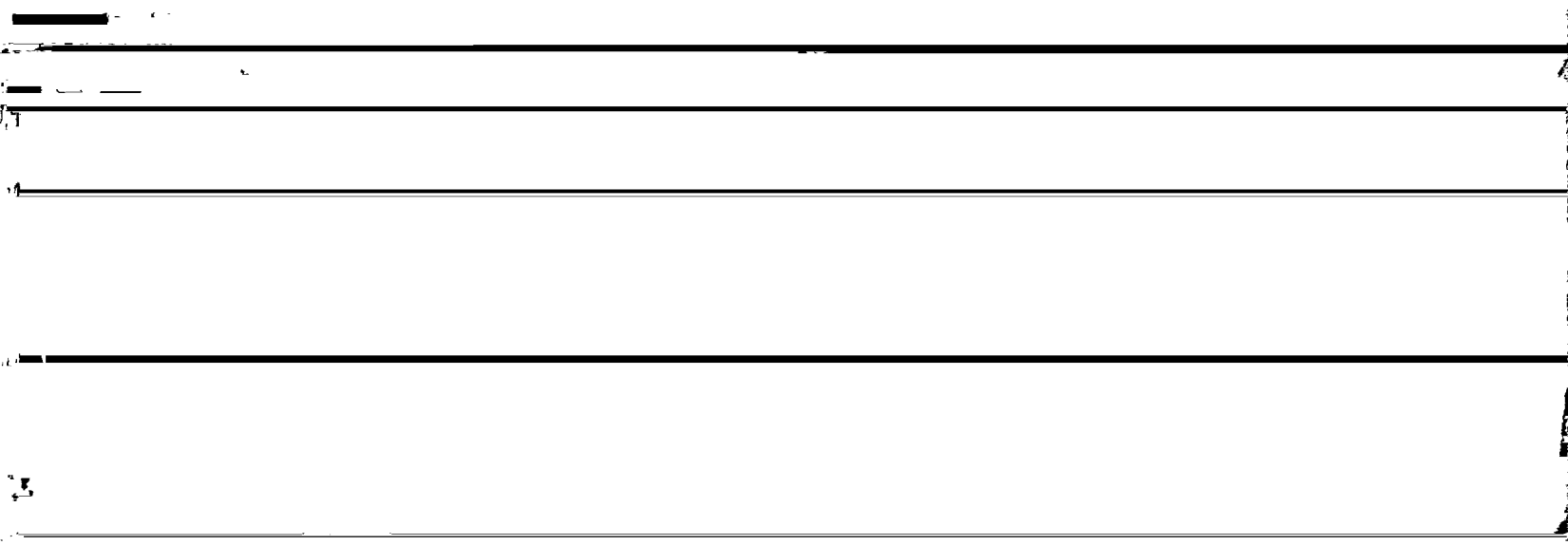
FEDERAL COMMUNICATIONS COMMISSION

In the Matters of)
Deployment of Wireline Services Offering)

EXECUTIVE SUMMARY

It is without question that collocation of equipment in incumbent local exchange carrier (ILEC) facilities is essential to local competition. However, delays in provisioning and restrictions on equipment installed in collocation spaces has significantly diminished its effectiveness as a tool to promote competition in the consumer markets. The Commission must

must also take all measures to allow for effective collocation at the RT, which includes requiring ILECs to deploy a reasonable number of voice and data capable line cards, and taking steps to prevent spectrum incompatibility problems when ADSL services out of a CO and an RT are



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

COMMENTS OF WORLDCOM, INC.

I. INTRODUCTION

WorldCom, Inc. (WorldCom), by its attorneys, hereby submits its comments in the above-captioned proceedings. WorldCom responds to certain issues raised in the Second and Fifth Further Notices of Proposed Rulemaking.[1]

Collocation is, and remains, essential to any realistic prospects of a competitive telecommunications industry that Congress envisioned at the time it adopted the Telecommunications Act of 1996 (1996 Act). However, since the 1996 Act codified the ILECs'

meet promised deadlines for space provisioning, delaying CLEC entry into a central office (CO). ILECs have also failed to permit competitive local exchange carriers (CLECs) to deploy multi-functional equipment in CLEC-controlled collocation space. Such equipment is not only necessary for simple access or interconnection with network elements, but also provides increased network and space efficiencies while decreasing costs and dependence on ILEC

rules on subloop unbundling and line sharing required modification in light of any changes to collocation rules. As set forth below, WorldCom believes that equipment is "necessary" when it promotes facilities-based competition, and multi-functional equipment can and should be used to satisfy the Commission's goal of promoting subloop competition. Moreover, additional subloop unbundling is required in order to make collocation an effective tool to promote line sharing, line splitting, and the development of other advanced services.

A. How Should The Commission Define Necessary?

The Commission has requested that commenters propose alternative definitions of

"necessary" must be equated with "indispensable" or "required," and instead have applied far less rigid meanings.

For example, many years ago in M'Culloch v. State of Maryland, 17 U.S. 316 (1819), the Supreme Court stated that "necessary" does not always import "an absolute physical necessity," but rather its use in "the common affairs of the world, or in approved authors," imports no more than that one thing is "convenient, or useful, or essential to another."[3] Over a century later, the Court interpreted "necessary" in the context of section 3(i) of the Fair Labors Standards Act and

WorldCom's definition of "necessary" is not nearly as open-ended as the "used or useful"

principal purpose of section 251(c)(6). This is reinforced by much of the language included in

statutory term, WorldCom's definition of "necessary" is also wholly consistent with the statutory purpose. As the D.C. Circuit noted in GTE Service Corp., section 251(c)(6)'s statutory purpose is "to ensure competition in areas of advanced technology in telecommunications."[10]

as the multi-functional equipment incumbent LECs deploy in central offices and remote terminals."[11] The answer is a resounding yes.

At the center of this debate lies the question of whether CLECs can collocate switching equipment, or equipment that has switching capabilities incorporated into other functions or features, and whether, as the Commission asked, this multi-functional equipment is "necessary" for access to or interconnection with network elements. However, as Gluon Networks points out

to move towards residential markets. Moreover, multi-functional equipment is necessary for CLECs to be able to compete against ILECs to provide the same services to consumers. As long as the multi-functional equipment aids in the transmission and routing of telephone exchange service or exchange access in accessing UNEs or interconnection between carriers, whether such traffic is voice or data, it should be permitted for collocation purposes.

The ILECs would vehemently oppose any attempt by the Commission to restrict their use of DSLAMs that incorporate a splitter function into the unit. They would similarly object to any

generation" digital loop carrier (DLC) configurations.[14] The term "next generation" is

particularly relevant to the discussion about whether multi-functional equipment is necessary for

frame, and quality as ILECs, ILECs must provide cross-connects. A "direct, physical link between two collocators' collocated equipment is 'necessary for interconnection. . . at the premises of the local exchange carrier,'"[16] regardless of whether CLECs can engage in direct or

or premises.[19]

It is worth noting that in the Internet industry, cross-connects are provided by the company providing the collocation space. Companies like Colo.com or CO SpaceServices.com offer a variety of cross-connects, and Colo.com will pre-wire to collocation cabinets.[20] This is

E. The ILECs Must Allow Collocation At Remote Terminals

In order to facilitate subloop unbundling, ILECs must permit CLECs to use data-capable

F. Spectrum Compatibility Problems Require The Commission To Provide Access

III. IN INSTANCES WHERE NEXT-GENERATION DLC IS DEPLOYED TO PUSH FIBER DEEPER INTO NEIGHBORHOODS, CLECS MUST RETAIN THE RIGHT TO ACCESS REMOTE FACILITIES TO PROVIDE SERVICES TO CUSTOMERS

The Commission seeks comment on "whether in deployment of new network architectures, including the installation of fiber deeper into the neighborhood, necessitates any modification to or clarification of the Commission's local competition rules, particularly our rules pertaining to access to unbundled transport, loops, and subloops."[25] In instances where ILECs deploy fiber deeper into neighborhoods and communities, CLECs must have available corresponding rules that permit unbundled access to dark fiber and spare copper, as a part of [redacted]

unbundled basis for use by CLECs and DLECs that are able to obtain access to the limited number of voice-data line cards in a remote terminal, those companies should be able to bring the traffic back to the central office and not leave it stranded for lack of fiber capacity between the

IV. CONCLUSION

In order to continue to promote competition, the Commission should require ILEC

CERTIFICATE OF SERVICE

I, Denise E. Akoto, hereby certify that I have this 12th day of October, 2000

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