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Before the

Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)
Deployment of Wireline Services Offering)
Advanced Telecommunications Capability)
and)
Implementation of the Local Competition)
Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 98-147

CC Docket No. 96-98

COMMENTS OF WORLDCOM, INC.

WorldCom, Inc. ("WorldCom") submits these comments in opposition to the petition for a conditional waiver filed by BellSouth Corporation ("BellSouth") on December 1¹, seeking to extend the Commission's Memorandum Opinion and Order dated November 7, 2000,² ("Conditional Waiver Order") to BellSouth, while expanding the Conditional Waiver Order's scope. BellSouth should not be given this second bite at the apple.

In the Conditional Waiver Order, The Commission essentially agreed with WorldCom, and preserved the 90 day provisioning timeline set forth in the Collocation Order.³ The Commission granted SBC and Verizon an exception to this requirement, which permitted those

¹ Petition for a Conditional Waiver of BellSouth, December 1, 2000.

² Memorandum Opinion And Order, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket 98-147, (November 7, 2000) ("Conditional Waiver Order").

³ In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Order on Reconsideration and Second Further Notice of Proposed Rulemaking and Fifth Further Notice of Proposed Rulemaking, CC Docket Nos. 98-147, 96-98, (August 10, 2000) ("Collocation Order").

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companies to bypass the November 9, 2000 deadline to file amended SGATs in states whose collocation timelines mirrored those set by the New York Public Service Commission (“NY PSC”). The Conditional Waiver Order was limited in scope by permitting the application of the timeline set forth by the New York Public Service Commission only in those instances where competitive local exchange carriers (“CLECs”) are unable to provide timely and accurate forecasts, in which case, limited extensions would be granted. BellSouth now seeks to add the requirement that CLECs be required to provide two year forecasts, which is both unduly burdensome, and practically impossible. Accordingly, and for the reasons set forth below, BellSouth’s Petition should be denied.

I. BellSouth Has Failed To Demonstrate Sufficient Public Interest To Justify A Waiver

WorldCom objects to the conditional waiver of the appropriate timelines set forth in the Collocation Order. WorldCom contends that BellSouth has failed to set forth sufficient cause as to why it requires a waiver. BellSouth failed to object in a timely manner to the suspension of the November 9 filing deadline for filing SGAT amendments in states that apply a standard similar to the New York State PSC’s collocation timeline. There is no evidence before the Commission as to why a waiver is needed by BellSouth to comply with the filing amendment deadline; a rule BellSouth should have satisfied over a month and a half ago. Moreover, BellSouth has made no showing of either its failure to file amended SGATs reflecting its adoption of the national 90-day collocation standard, or its inability to comply with the 90-day collocation standard itself. While the Commission has the ability to permit waivers⁴, BellSouth

⁴ Conditional Waiver Order, at ¶¶ 910, n.22.

fails to provide the requisite “good cause” as to why the Conditional Waiver Order should be applied to itself. The extension of time provided to Verizon and SBC in the event that a CLEC cannot provide “timely and accurate forecasting” pushes the collocation interval timeline back to 150 days. ILECs can and will challenge the appropriate threshold for timeliness and accuracy, and demand from CLECs a degree of certainty that they themselves cannot provide. BellSouth’s late entry into this debate highlights the fact that it can monopolize the ambiguity of the forecasting requirement in order to push CLECs into the 150 day time period that invites abuse.

There is little to no evidence supporting that strict compliance with the FCC’s national standard is against the public interest.⁵ This is especially true in light of the myriad consumer complaints about ILECs’ DSL service and the inability to access alternate DSL service providers which are unable to collocate or unable to provide service in a timely fashion as a result of ILEC delays. It is the consumers who benefit from prompt collocation, as they are able to receive the service of their choice from the provider of their choice, when collocation is possible in a timely manner. Until such a showing is made, BellSouth’s request for a waiver should be denied.

II. BellSouth’s Two Year Forecasting Requirement Is Unduly Burdensome

BellSouth goes far beyond the pale in seeking to extend the terms of the Conditional Waiver Order to itself, while also requesting that the Commission order CLECs to provide two year forecasts. The Conditional Waiver Order is silent as to the length of time for which a CLEC is required to forecast forward.

The conditional waiver granted to Verizon and SBC permitted them to circumvent the

⁵ 47 U.S.C. § 1.3; Conditional Waiver Order at ¶ 10 n.22, citing, *inter alia*, Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

November 9, 2000 SGAT filing deadline, and to apply the collocation intervals established by the New York State Public Service Commission in those states whose collocation requirements mirror those of New York, with certain restrictions.⁶ The Commission modified the New York PSC's timeline, however, because it was unduly burdensome on CLECs which failed to provide a "timely and accurate forecast." Thus, in the event a CLEC was unable to provide a "timely and accurate forecast," an ILEC could extend the collocation deadline by up to 60 calendar days, and imposed a "best efforts" obligation on the ILECs to minimize these increases.

At present, ILECs request forecasts in either 6 month or one year increments. It goes without saying that it is more difficult to provide a forecast a year in advance that is as accurate as one that looks ahead six months, which is a more reasonable time period. Two year forecasts are incredibly burdensome for a large corporation. New markets can emerge in far less time, and CLECs would be barred from entry for two years, during which time BellSouth enjoys an exclusive competitive advantage in those areas. A two year forecast would effectively prevent small companies and new market entrants from being able to enter into any of BellSouth's markets, and stifle competition.

In the event that the Commission deems it necessary to set a length requirement for forecasts, WorldCom requests that the period be set at six months, unless parties agree otherwise by contract, or by provision of a state commission. Two years is unduly burdensome, and flatly contradicts the object and purpose of including the collocation requirement in the 1996 Act. Moreover, it goes far beyond what the Commission ordered in the Conditional Waiver Order,

⁶ See Conditional Waiver Order, at ¶ 13. The New York PSC requires ILECs to provide completed collocation space within 76 business days to CLECs who have reasonably forecasted their space requirements. Moreover, the New York PSC requires augments to existing collocations to be completed within 45 business days, and major construction on new collocations to be completed within 91 business days.

which required CLECs to provide “timely and accurate forecasts.”⁷ Thus, the Commission should deny BellSouth’s request for a two-year forecast obligation to be imposed on CLECs.

III. Conclusion

Accordingly, and for the reasons set forth above, WorldCom respectfully requests that the Commission deny BellSouth’s petition for a conditional waiver. Moreover, WorldCom requests that the Commission reject specifically BellSouth’s request that collocation forecasts be provided for two year periods. The competitive harm that such a requirement would cause the marketplace does not place such a request within the public interest. Thus, the provisions of the Collocation Order should remain in force.

Dated: December 22, 2000

Respectfully submitted,

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⁷ Conditional Waiver Order at ¶ 16.

CERTIFICATE OF SERVICE

I, Denise E. Akoto, hereby certify that I have this 28th day of December, 2000, sent a copy of the foregoing " Reply Comments of WorldCom, Inc. " by hand delivery, to the following:

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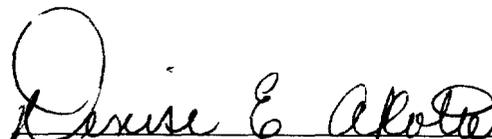
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