

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

In the Matter of)	
)	
<i>Computer III</i> Further Remand Proceedings; Bell)	CC Docket No. 95-20
Operating Company Provision of Enhanced Services)	
)	
1996 Biennial Regulatory Review – Review of)	CC Docket No. 98-10
<i>Computer III</i> and ONA Safeguards and Requirements)	

REPLY COMMENTS OF LOW TECH DESIGNS, INC.

**A. BOC’S HAVE LEAPFROGGED COMPETITORS BY USING MONOPOLY
PROTECTED TELECOMMUNICATIONS CAPABILITIES**

The majority of parties filing comments to update the *Computer III* record in the above captioned proceeding have predictably set themselves up in BOC vs. IXC or CLEC/DLEC camps. These comments almost exclusively dealt with access issues related to the provisioning of broadband Internet services using BOC loops.

Significantly, the comments of eVoice, Inc. (eVoice) and Low Tech Designs, Inc. (Low Tech) focused on areas of *Computer III* compliance related to PSTN voice communications, the area where Comparably Efficient Interconnection (CEI) rules first took root as BOC’s entered the voice mail service arena.

eVoice simply wishes to obtain efficient access, ordering and provisioning to the call forwarding and message waiting capabilities used by BOCs for their own voice mail type services. They have discovered that this is not as simple as it should be under the ONA and CEI rules.

As Low Tech pointed out in its comments, the BOCs have already leapfrogged companies like eVoice by implementing next generation voice mail, privacy and Internet Call

Waiting services using a common AIN 0.2 terminating attempt trigger and AIN Intelligent Peripheral capabilities. Call forwarding busy/don't answer as an enhanced voice service enabling technology is passé to the BOCs implementing these enhanced voice processing services.

These superior AIN capabilities are not available to eVoice, Low Tech, or any other enhanced service provider. As Low Tech showed in its comments, these AIN based capabilities have been inadvertently roped off by the FCC as monopoly playgrounds for the BOCs.

B. SS7/AIN SERVICE PROVIDERS AS ESPs ENJOY MORE RIGHTS THAN TELECOMMUNICATIONS CARRIERS

Companies such as Illuminet and others provide critical AIN and SS7 capabilities to telecommunications carriers without being subject to common carrier regulation. Under FCC rules, these companies are considered enhanced service providers, yet they offer no direct end user services to telecommunications consumers.

As the Commission is well aware, the failure of SS7 or AIN networks provided by companies such as Illuminet can disable entire regions of the country from accessing regulated telecommunications services. As enhanced service providers, these outages directly attributed to their systems never show up on network reliability reports because they are not subject to telecommunications carrier rules.

SS7/AIN service providers are integral partners to all flavors of wireline and wireless local exchange carriers, and are subject to a LEC defined certification process that allows them to interconnect their SS7 signaling networks and databases (SCPs) to existing SS7 networks.

It is ironic that an enhanced service provider such as Illuminet can interconnect at such a high and protected level of the national and international public telecommunications networks, without offering end user services. It is also puzzling that other enhanced service providers

which DO wish to offer end user services to compete against the BOCs services described in Low Tech's comments of April 16, 2001, are denied this type of interconnection and access to the necessary underlying telecommunications services (e.g., AIN triggers) used by the BOCs.

CONCLUSIONS

As the Commission is well aware, its rules and definitions for telecom vs. information/enhanced services are under stress. BOCs have introduced services that show all the signs of being enhanced services without any FCC oversight. Examples shown above regarding Illuminet and other SS7/AIN service providers exacerbate this stress. Similarly situated companies are treated differently in the marketplace depending on their business relationship with LECs. As Low Tech showed in its April 16, 2001 comments, the relationship between InfoInterActive and Verizon shows distinct favoritism and discrimination between BOCs and enhanced service providers or information service providers.

The FCC must re-evaluate their CEI and ONA rules in light of the serious market entry problems experienced by Low Tech and others enhanced service providers. BOCs should not be able to enter new enhanced services markets without the capability for potential competitors to compete. The FCC's loosening of BOC enhanced service rules have not worked. BOCs should be forced to go back to filing CEI plans for public review prior to offering enhanced services.

BOCs are flouting FCC rules, knowing full well that Section 208 actions accusing them of alleged violations of CEI or ONA rules will only be brought by those enjoying deep pockets. This provides them with a first mover advantage that is then translated into "only mover" advantage by a lack of serious FCC oversight and action.

The FCC should immediately investigate the serious violations of law alleged by commenters in this proceeding and bring enforcement actions accordingly.

Respectfully submitted,

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