

SIDLEY AUSTIN BROWN & WOOD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

DOCKET FILE COPY ORIGINAL

CHICAGO
DALLAS
LOS ANGELES
NEW YORK
SAN FRANCISCO
SEATTLE

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711
www.sidley.com
FOUNDED 1866

BEIJING
HONG KONG
LONDON
SHANGHAI
SINGAPORE
TOKYO

WRITER'S DIRECT NUMBER
(202) 736-8396

RECEIVED
MAY - 8 2001

WRITER'S E-MAIL ADDRESS
mtrocinski@sidley.com

May 8, 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Application of Section 251(b)(4) and 224(f)(1) of the Communications Act of 1934, As Amended, CC Docket No. 01-77

Dear Ms. Salas:

Enclosed please find the original, seven (7) hard copies, and one electronic copy (via diskette) of the Reply Comments of AT&T Corp. in connection with the above referenced matter.

If you have any questions, please contact me at the number listed above. Thank you.

Sincerely,
Mark Trocinski
Mark F. Trocinski
Legal Assistant

MFT:mft

No. of Copies rec'd 0+7
List A B C D E

MAY - 8 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)

Application of Section 251(b)(4) and)
and 224(f)(1) of the Communications Act)
of 1934, as amended, To Central Office)
Facilities of Incumbent Local Exchange)
Carriers.)
_____)

CC Docket No. 01-77

REPLY COMMENTS OF AT&T CORP.

David L. Lawson
Paul J. Zidlicky
SIDLEY AUSTIN BROWN & WOOD
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8000

Mark C. Rosenblum
Stephen C. Garavito
Teresa Marrero
AT&T CORP.
295 North Maple Avenue
Basking Ridge, NJ 07920
(908) 221-3539

Attorneys for AT&T Corp.

May 8, 2001

TABLE OF CONTENTS

INTRODUCTION AND SUMMARY 1

ARGUMENT..... 4

 SECTIONS 251(b)(4) AND 224(f)(1) MANDATE NONDISCRIMINATORY
 ACCESS BY CLECS TO “DUCTS,” “CONDUITS,” AND “RIGHTS-OF-WAY”
 IN ILEC CENTRAL OFFICES.....4

 A. The Comments Confirm That Sections 251(b)(4) and 224(f)(1)
 Operate in Tandem With the Access Rights Guaranteed By Section
 251(c)(6).. 5

 B. Sections 251(b)(4) and 224(f)(1) Guarantee Nondiscriminatory
 Access to Ducts, Conduits and Rights-of-Way Owned or
 Controlled by ILECs Notwithstanding That They Are Located In
 ILEC Central Offices 7

 C. ILEC Tariffs Are No Substitute for the Nondiscriminatory Access
 to ILEC Facilities Guaranteed By Congress in Sections 251(b)(4)
 and 224(f)(1) 11

CONCLUSION.....12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)
In the Matter of)

Application of Section 251(b)(4) and)
and 224(f)(1) of the Communications Act)
of 1934, as amended, To Central Office)
Facilities of Incumbent Local Exchange)
Carriers.)
_____)

CC Docket No. 01-77

REPLY COMMENTS OF AT&T CORP.

Pursuant to the Commission's Public Notice, DA 01-728, released on March 22, 2001, AT&T Corp. ("AT&T") respectfully submits these Reply Comments.

INTRODUCTION AND SUMMARY

The comments submitted in response to the Public Notice confirm that Sections 251(b)(4) and 224(f)(1) of Title 47 require ILECs to provide non-discriminatory access to the ducts, conduits and rights-of-way located in their central offices so that CLECs can, for example, cross-connect their collocated equipment with that of other CLECs.

At the outset, it is important to highlight where there is consensus. Virtually all commenters recognize that Section 251(c)(6) remains a principal provision through which CLECs can, and should, obtain access to ILEC central office facilities. *See, e.g., Florida Power* at 15 n.21. Thus, much of the relief sought by the Coalition for Competitive Fiber Providers ("Coalition") should be available through Section 251(c)(6). *See, e.g., WorldCom* at 3-5.¹ This

¹ As AT&T explained previously, when properly construed, Section 251(c)(6) authorizes CLECs to cross-connect their collocated equipment with that of other CLECs and to collocate equipment that is necessary for access to unbundled network elements or to interconnect with the ILEC,

proceeding, however, is concerned with resolving the separate question of the proper scope of Sections 251(b)(4) and 224(f)(1) when applied to ILEC central office facilities.

First, as explained in Part A, Section 251(c)(6) does not expressly or implicitly limit the reach of Sections 251(b)(4) and 224(f)(1). To avoid their obligations under Sections 251(b)(4) and 224(f)(1), however, the ILECs maintain that Section 251(c)(6) is the sole means by which CLECs may obtain access to ILEC central office facilities and that it “trumps” or exempts ILEC central office facilities from the reach of Section 224. *See Verizon* at 5-6; *BellSouth* at 9-15; *SBC* at 2-5; *Qwest* at 3-6. Their argument is baseless because Section 251(c)(6) quite clearly imposes an additional access obligation on ILECs and in no way “limits” the reach of Section 224(f)(1). Indeed, as the comments demonstrate, Sections 251(c)(6) and 224(f)(1) operate in tandem to ensure that competitive LECs can obtain nondiscriminatory access to ILEC facilities that are necessary to the development of competition in the provision of telecommunications service. *See, e.g., CompTel* at 2.

Second, as shown in Part B, an analysis of Section 224 forecloses the argument that ILEC central offices are exempt from the nondiscriminatory access obligations of Section 224(f)(1). None of the ILECs reconcile their contrary argument with the operative language of Section 224(f)(1), which mandates that utilities, including ILECs, “shall provide . . . any telecommunications carrier with nondiscriminatory access to *any* . . . duct, conduit, or right-of-way owned or controlled by it.” 47 U.S.C. § 224(f)(1) (emphasis added). Further, the structure of Section 224 confirms that Congress did not intend to limit Section 224 by exempting ILEC central office facilities from its scope. Specifically, Section 224(c) limits the Commission’s

even if such equipment also performs other functions such as switching. *See AT&T* at 2-3 & nn.2, 3 (filed April 23, 2001).

authority to ensure nondiscriminatory access under Section 224(f)(1) “where such matters are regulated by a State,” and, Section 224(a)(5) similarly denies ILECs nondiscriminatory access under Section 224 by excluding them from the definition of telecommunications provider. Quite clearly, Congress knew how to limit Section 224 when it wanted to, but chose not to create an exception for ducts, conduits and rights-of-way located in ILEC central offices.

The ILECs’ challenges to the Commission’s interpretations of “duct,” “conduit” and “right-of-way” are equally off base. The Commission’s definitions of these terms are fully supported and entirely appropriate. The ILECs cannot seriously dispute, in light of these definitions, that their central office facilities contain ducts and conduits used as part of their transmission and distribution networks. Similarly, the Commission already has explained that “rights of way” can be located inside a building and on land owned by the ILEC. Accordingly, there can be no doubt that ILECs maintain pathways in their central office facilities that fall squarely within the definition of a right-of-way. Accordingly, ILEC central offices quite clearly contain “ducts,” “conduits,” and “rights-of-way” to which CLECs are entitled to access. Moreover, as the commenters explain, such access will further Congress’ purposes under the 1996 Act by promoting efficient facilities-based competition.

Finally, as demonstrated in Part C, voluntary efforts are an inadequate substitute for the statutory access mandated by Sections 251(b)(4) and 224(f)(1). That is the view of Congress, which in 1996 amended Section 224 to expand its reach to telecommunications providers because voluntary efforts had proven inadequate. In this regard, Congress clearly was correct because the comments confirm that ILECs are denying CLECs the access which they need and to which they are entitled under the Act. Verizon highlights its CATT service tariff, but acknowledges that its terms are not available through Verizon’s service area. Further, as

BellSouth makes clear, “the voluntary action of one ILEC” cannot “create a mandatory obligation upon another ILEC.” BellSouth at 4. Plainly, there is no legitimate basis to ignore Congress’ judgment by creating an ILEC central office exemption to Section 224(f)(1).

ARGUMENT

SECTIONS 251(b)(4) AND 224(f)(1) MANDATE NONDISCRIMINATORY ACCESS BY CLECS TO “DUCTS,” “CONDUITS,” AND “RIGHTS-OF-WAY” IN ILEC CENTRAL OFFICES.

The comments reflect a consensus that Section 251(c)(6) provides a principal statutory basis by which CLECs can obtain access to central office facilities for the purpose of collocating their telecommunications equipment.² The commenters, of course, disagree regarding the scope of CLECs’ access rights to ILEC central offices under Section 251(c)(6). *Compare* WorldCom at 2 (“Section 251(c)(6) of the Act requires ILECs to allow physical collocation of equipment of the type described in the Coalition’s petition, including cross-connects to collocated CLECs”) *and* AT&T at 2 (same) *with* Verizon at 15-17 (arguing that there is no lawful basis for the relief sought by the Coalition). Resolution of the scope of the collocation requirements of Section 251(c)(6), however, is properly left for another proceeding.³

² *See, e.g.*, SBC at 7 (“Section 251(c)(6) provides the Commission with an express grant of authority to require physical collocation”); *accord* Verizon at 4; CompTel at 5; BellSouth at 2; WorldCom at 3-5; USTA at 6; Qwest at ii, 4.

³ *See* Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Notice of Proposed Rulemaking in CC Docket 96-98, *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 15 FCC Rcd 17806, ¶¶ 85-92 (2000) (“*Deployment of Wireline Services*”). AT&T and many of the ILECs already have submitted their comments in that proceeding, and AT&T will not repeat them here.

A. The Comments Confirm That Sections 251(b)(4) and 224(f)(1) Operate in Tandem With the Access Rights Guaranteed By Section 251(c)(6).

The ILECs argue that Section 251(c)(6) not only *grants* CLECs the right to collocate equipment in ILEC central offices, but that it *limits* CLECs' access rights under Section 224(f)(1) by carving out ILEC central office facilities from the general right of nondiscriminatory access to "any" pole, duct, conduit or right-of-way owned or controlled by an ILEC. *See* 47 U.S.C. § 224(f)(1). Specifically, they contend that "[t]here is only one provision of the Act – Section 251(c)(6), the Act's collocation provision – that allows other telecommunications carriers a right to occupy space in ILECs' [central offices]." Qwest at 3-4.⁴ These arguments are refuted by the language of Section 251(c)(6) and the structure of Section 251.

Section 251(c)(6), by its terms, contains no express limitation on the scope of Section 224. Rather, Section 251(c)(6) imposes on ILECs "[t]he duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier." 47 U.S.C. § 251(c)(6). Quite clearly, Section 251(c)(6) imposes an additional obligation on ILECs, and does not, as the ILECs suggest, relieve them of obligations imposed elsewhere.

The structure of Section 251 confirms this conclusion. Specifically, subsection (c) of Section 251 – of which (c)(6) is one part – is entitled: "Additional obligations of incumbent local exchange carriers," and provides that "[i]n addition to the duties contained in

⁴ *See* SBC at 6-11 (arguing that rights under Section 224(f)(1) cannot supplement rights under 251(c)(6)); Verizon at 1-2 (arguing that authority to access ILEC central offices "appears only in Section 251(c)(6)").

subsection (b) of this section, each incumbent local exchange carrier has the following duties:” 47 U.S.C. § 251(c) (listing additional obligations) (emphasis added). Section 251(b)(4), in turn, provides that local exchange carriers, including ILECs, have a duty “to afford access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services on rates, terms, and conditions that are consistent with section 224.” 47 U.S.C. § 251(b)(4). Thus, there can be no doubt that Section 251(c)(6) does not relieve ILECs of duties imposed by subsection (b) – *e.g.*, duties under Sections 251(b)(4) and 224 – but instead imposes obligations on ILECs over and above the obligations imposed by subsection (b).

Nor does Section 251(c)(6) somehow *implicitly* limit the scope of Section 224. The ILECs’ contrary argument is predicated on their view that if ILEC central offices were not exempt from Section 224’s reach, then Section 224 “would unlawfully nullify the express limitations on collocation in Section 251(c)(6)” and render Section 251(c)(6) “mere surplusage.” Verizon at 4-5; *see also* SBC at 6 (arguing that the Coalition’s reading of Section 224 “would effectively read Section 251(c)(6) out of the statute”). Thus, the ILECs contend, “the right to occupy ILEC central offices” must be “governed *exclusively* by the provisions of Section 251(c)(6), and not by Section 224.” SBC at 4.

That argument does not withstand scrutiny. Application of Section 224 to ILEC central offices would not, as the ILECs and others claim, grant CLECs a right of access to “any location in [the ILEC] central office[s].” Verizon at 5; *see also* SBC at 2; USTA at 8. Indeed, as AT&T pointed out, the Commission already has rejected that notion, ruling that “sections 251(b)(4) and 224(f)(1) do not, by themselves, ‘encompass a general right of access to [ILEC] property.’” AT&T at 4. Instead, petitioners request that Section 224 be applied, in accordance with its terms, to grant access to “any” duct, conduit, or right-of-way owned or controlled by an

ILEC, including those located in ILEC central office facilities. Put another way, AT&T does not argue that “central offices and the equipment therein constitute ducts, conduits, and rights-of-way,” BellSouth at 2; rather, AT&T simply maintains that Section 224 grants a right of nondiscriminatory access to ducts, conduits, and rights-of-way even if they are located in ILEC central offices.

Sections 251(c)(6) and 224(f)(1) operate in tandem. On the one hand, Section 251(c)(6) guarantees broad access to “the premises of the local exchange carrier” but limits that access for the purpose of “physical collocation of equipment necessary for interconnection or access to unbundled network elements.” 47 U.S.C. § 251(c)(6). In contrast, Section 224 does not expressly limit the purposes for which access can be sought, but it does, however, limit such access to “any pole, duct, conduit, or right-of-way owned or controlled by it.” 47 U.S.C. § 224(f)(1). Thus, as CompTel points out, the provisions of Section 224 are “not inconsistent with the overlapping application of Section 251(c)(6).” CompTel at 3. Accordingly, application of Section 224 to ILEC central office facilities would not, as BellSouth claims, transform “central offices” into “ducts, conduits, and rights-of-way” for purposes of Section 224. *See* BellSouth at 2. Instead, it would guarantee CLECs the much more modest right of nondiscriminatory access to ducts, conduits and rights-of-way owned or controlled by ILECs regardless of whether they are located inside, or outside, ILEC central offices.

B. Sections 251(b)(4) and 224(f)(1) Guarantee Nondiscriminatory Access to Ducts, Conduits and Rights-of-Way Owned or Controlled by ILECs Notwithstanding That They Are Located In ILEC Central Offices.

Nor does Section 224 create an exception for ILEC central office facilities. The ILECs’ efforts to exempt their central office facilities from the reach of Section 224 is refuted by the language of Section 224(f)(1), the structure of Section 224 and the purposes underlying the

1996 Telecommunications Act. None of ILECs acknowledges or addresses the operative language of Section 224(f)(1), which provides that ILECs “shall provide . . . any telecommunications carrier with nondiscriminatory access to *any* . . . duct, conduit, or right-of-way owned or controlled by [them].” 47 U.S.C. § 224(f)(1).⁵ The ILECs fail to explain how their proposed exemption of those ducts, conduits and rights-of-way located in ILEC central offices from the reach of Section 224 can be reconciled with the broad grant of access to “*any*” “duct, conduit, or right-of-way.” *Id.* (emphasis added).

Moreover, the structure of Section 224 reflects that Congress knew how to, and did, limit the access rights under Section 224 when appropriate. Thus, subsection (c) of Section 224 makes plain that the nondiscriminatory access rights under subsection (f) do not apply “where such matters are regulated by a State.” 47 U.S.C. § 224(c)(1). Similarly, in subsection (a), Congress made clear that ILECs were exempted from the protections of Section 224. 47 U.S.C. § 224(a)(5) (“For purposes of this section, the term ‘telecommunications carrier’ . . . does not include any incumbent local exchange carrier “). Congress, of course, provided no similar limitation for ILEC central office facilities.

The ILECs argue in the alternative that their central offices should be deemed not to contain any ducts, conduits or rights-of-way. *See Verizon* at 7; *BellSouth* at 12-13; *Qwest* 9-10. For example, Verizon maintains that the “right-of-way concept makes no sense in a central office owned by the ILEC” because “a right of way is a legal right of passage over *another* person’s property.” *Verizon* at 2. But the Commission recently rejected that same argument,

⁵ *See also OnFiber* at 4 (“The language of the statute is unequivocal that the statutory obligation includes *any* duct, conduit or right-of-way owned or controlled by an ILEC”); *ASCENT* at 5 (same); *CompTel* at 3 (same).

concluding that “a ‘right-of-way’ under Section 224 includes property owned by a utility that the utility uses in the manner of a right-of-way as part of its transmission or distribution network.”⁶ Moreover, the ILECs cannot seriously maintain that their central offices fall outside their transmission and distribution networks. As CompTel explains, “[t]he ILEC transmission and distribution facilities located within the ILEC central office are truly the ‘bottleneck’ facilities of all bottleneck facilities.” CompTel at 5. Quite clearly, an ILEC’s central office is such an integral part of its transmission and distribution network that Congress made sure that CLECs would be granted access to those facilities for the purpose of installing equipment to interconnect with the ILEC and to access the ILECs unbundled network elements. *See* 47 U.S.C. § 251(c)(6).⁷

To be sure, as AT&T has recognized, Section 224 does not create a free-standing right of access to all ILEC central office facilities. *See* AT&T Comments at 3-4. Rather, Section 224 grants nondiscriminatory access, as relevant here, only to ducts, conduits and rights-of-way

⁶ First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, and Fourth Report and Order in CC Docket No. 88-57, *Promotion of Competitive Networks in Local Telecommunications Market, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Review of Sections 68.104 and 68.213 of the Commission’s Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*, 2000 FCC LEXIS 5672, ¶ 83 (rel. Oct. 25, 2000) (“*Competitive Networks Order*”).

⁷ BellSouth suggests that the impact of applying section 224 would be substantial because “an electric or power company would have to allow CLECs . . . access to their power generation plants and substations in order to install equipment and wiring.” BellSouth at 9. That argument ignores economic reality. Because CLECs would be required to pay just and reasonable compensation for such access, *see* 47 U.S.C. § 224(b)(1), they would be unlikely to request access in the absence of a tangible benefit to their customers or their ability to compete. With respect to ILEC central office facilities, however, even the ILECs acknowledge the benefit to CLECs of nondiscriminatory access. *See* BellSouth at 16 (arguing that “cost savings and efficiencies” are inadequate to compel access to ILEC central office facilities).

owned or controlled by the ILECs. 47 U.S.C. § 224(f)(1). Accordingly, the ILECs' arguments that Section 224 does not create a general right of access to ILEC property are beside the point. *See, e.g.*, SBC at 2. To the extent that specific parts of an ILEC's central office fall outside the Commission's definitions of ducts, conduits or rights-of-way, they will, of course, remain unaffected by Section 224. *See Competitive Networks Order* ¶ 83. By the same token, to the extent that ILEC central offices contain ducts, conduits and rights-of-way, they must be made available to CLECs under Section 224(f)(1) so that CLECs can, for example, cross-connect their equipment with that of other CLECs.

Moreover, reading Section 224 as written furthers the purposes underlying the 1996 Act. There can be no question that Congress, in the 1996 Telecommunications Act, sought to "promote the efficient and timely deployment of alternative telecommunications networks." CompTel at 5. The ILECs do not dispute that application of Section 224 to ILEC central offices "would stimulate telecommunications competition by facilitating the provision of telecommunications services, especially advanced telecommunications services, by innovative carriers. ASCENT at 2.⁸ Indeed, the Commission has highlighted that access to ILEC central offices to enable CLECs to cross-connect with other collocated CLECs would enhance competition by improving the efficiency of CLECs. *See Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 4671, 4777-78, ¶ 29 (1999). In

⁸ The ILECs' argument that access to their central offices under Section 224 "would raise unacceptable security risks," Verizon at 13, is baseless because the Commission has explained that nondiscriminatory access under section 224 can be limited, where appropriate in individual cases, based upon legitimate "capacity, safety, reliability, and engineering principles." First Report & Order, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 15499, 16085, ¶ 1186 (1996).

short, the purposes underlying the 1996 Act also support the conclusion that Section 224 applies to ILEC central office facilities.

C. ILEC Tariffs Are No Substitute for the Nondiscriminatory Access to ILEC Facilities Guaranteed By Congress in Sections 251(b)(4) and 224(f)(1).

Finally, voluntary efforts by ILECs are inadequate to meet the legitimate access requests of CLECs with regard to ILEC central office facilities. The ILECs, of course, disagree, maintaining that their voluntary efforts have been adequate.⁹ In particular, Verizon argues that it provides, by tariff, sufficient access to some of its central offices to satisfy what it perceives are the needs of the Coalition and others. Verizon at 17. These arguments are more appropriately directed to Congress, which disagreed with their assessment when it extended the protections of Section 224 to CLECs seeking access to the ducts, conduits and rights-of-way owned or controlled by ILECs. *See* 47 U.S.C. § 224(f)(1). The voluntary efforts by one or more ILECs cannot overcome the clear intent of Congress that *all* ILECs must provide access to their ducts, conduits or rights-of-way without regard to their location.

In all events, the comments confirm that these voluntary efforts have proven inadequate. Thus, WorldCom properly highlights that “ILECs have erected roadblocks to the provision of competitive transport services” with respect to “ILEC central offices.” WorldCom at 2. Similarly, OnFiber explains that “ILECs refuse to allow CLECs nondiscriminatory access to ducts, conduits and rights-of-way associated with their central offices.” OnFiber at 5. And, as ASCENT points out, ILECs have refused “to permit telecommunications carriers meaningful access to their central offices.” ASCENT at 3.

⁹ Compare Verizon at 15-17 (arguing that requests for access to central offices are baseless) *with id.* at 17-18 (arguing that Verizon already provides adequate access on a voluntary basis) *and* SBC at 12 (arguing that CLECs “Already Have Sufficient Access to ILEC Central Offices”).

More specifically, to the extent that Verizon's tariff recreates, on a voluntary basis, its statutory obligations under Section 224(f)(1), then Verizon has no basis for objecting to a ruling that will impose no new obligations on Verizon. But it is clear that Verizon's voluntary efforts fall short of the requirements of Section 224(f)(1). Indeed, apart from the substance of its tariff, Verizon makes clear that its voluntary efforts are not available throughout its "ILEC territories." Verizon at 3 n.3. Moreover, Verizon's efforts do not affect, in any way, the denial of access to central office facilities by other ILECs throughout the country. As BellSouth candidly points out, "the voluntary action of one ILEC" cannot "create a mandatory obligation upon another ILEC." BellSouth at 4.

CONCLUSION

The Commission should grant the Petition for Declaratory Ruling filed by the Coalition of Competitive Fiber Providers to the extent it seeks a ruling that ILECs are required to provide access to defined pathways in their central office facilities so that CLECs can, for example, cross-connect their collocated equipment with that of other CLECs.

Respectfully submitted,

By: Teresa Marrero / Agg
Mark C. Rosenblum
Stephen C. Garavito
Teresa Marrero
AT&T CORP.
295 North Maple Avenue
Basking Ridge, NJ 07920
(908) 221-3539

David L. Lawson
Paul J. Zidlicky
SIDLEY AUSTIN BROWN & WOOD
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8000

Attorneys for AT&T Corp.

May 8, 2001

APPENDIX A:

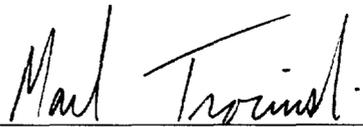
LIST OF COMMENTERS

Association of Communications Enterprises (“ASCENT”)
AT&T Corporation (“AT&T”)
BellSouth Corporation (“BellSouth”)
Competitive Telecommunications Association (“CompTel”)
Florida Power & Light Company (“Florida Power”)
OnFiber Communications (“OnFiber”)
Qwest Communications, Inc. (“Qwest”)
SBC Communications, Inc. (“SBC”)
United States Telecom Association (“USTA”)
Utility Infrastructure Owners: Virginia Electric and Power Company, AmerenUE, Atlantic City
Electric Company, Delmarva Power and Light Company, Dominion Virginia Power
 (“Utility Infrastructure Owners”)
Verizon Telephone Companies (“Verizon”)
WorldCom, Inc. (“WorldCom”)

CERTIFICATE OF SERVICE

I hereby certify that on this eighth day of May, 2001, I caused true and correct copies of the forgoing Reply Comments of AT&T Corp. to be served on all parties by mailing, postage prepaid or hand delivery to their addresses listed on the attached service list.

Dated: May 8, 2001
Washington, D.C.

A handwritten signature in black ink, appearing to read "Mark Trocinski". The signature is written in a cursive style with a horizontal line underneath it.

Mark F. Trocinski

Magalie Roman Salas
Office of the Secretary
445 12th Street, S.W.
Room TW-B204
Washington, D.C. 20554

Steven Morris
Global Metro Networks
8401 Colesville Road
Silver Spring, MD 20910

Janice M. Myles
Common Carrier Bureau
Federal Communications Commission
Room 5-C327
445 12th Street, S.W.
Washington, D.C. 20554

Theresa Atkins
Telergy Network Services, Inc.
One Telergy Parkway
East Syracuse, NY 13057

International Transcription Services, Inc.
445 12th Street S.W.
Room CY-B402
Washington, D.C. 20554

Steven Miller
Telseon Carrier Services, Inc.
7887 East Belleview Avenue
Englewood, CO 80111

Andrew D. Lipman
Patrick J. Donovan
SWIDLER BERLIN SHEREFF
FRIEDMAN, LLP
3000 K Street, N.W. , Suite 300
Washington, D.C. 20007
Counsel for the Coalition of Competitive
Fiber Providers

Michael E. Glover
Edward Shakin
VERIZON TELEPHONE COMPANIES
1320 North Court House Road, 8th Floor
Arlington, Virginia 22201

Bruce Frankiewich
American Fiber Systems, Inc.
100 Meridian Centre – Suite 250
Rochester, NY 14618

Jeffrey S. Linder
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for Verizon

Charles Stockdale
Fiber Technologies
140 Allens Creek Road
Rochester, NY 14618

Jonathan D. Lee
THE COMPETITIVE
TELECOMMUNICATIONS
ASSOCIATION
1900 M. Street, N.W., Suite 800
Washington, D.C. 20046

Glenn Stover
OnFiber Communications, Inc.
10201 Bubb Road
Cupertino, California 95014

Jean G. Howard
9250 West Flagler Street
Miami, Florida 33174
Counsel for The Florida Power & Light
Company

Sharon J. Devine
James T. Hannon
1020 19th Street, N.W., Suite 700
Washington, D.C. 20036
Attorneys for Qwest Communications
International, Inc.

Charles C. Hunter
Catherine M. Hannan
HUNTER COMMUNICATIONS LAW
GROUP
1424 Sixteenth Street, N.W., Suite 105
Washington, D.C. 20036
Counsel for The Association of
Communications Enterprises

Jeffrey A. Brueggeman
Roger K. Toppins
Paul K. Mancini
SBC COMMUNICATIONS, INC.
1401 Eye Street, Suite 1100
Washington, D.C. 20005

Richard M. Sbaratta
Angela N. Brown
Stephen L. Earnest
BELLSOUTH CORPORATION
675 Peachtree Street, N.E., Suite 4300
Atlanta, GA 30375-0001

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
Julie E. Rones
UNITED STATES TELECOM
ASSOCIATION
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Jeffrey Blumenfeld
Kristin L. Smith
BLUMENFELD & COHEN
1625 Massachusetts Ave., Suite 300
Washington, D.C. 20036
Counsel for OnFiber Communications

Robert P. Williams, II
Charles A. Zdebski
Todd M. Stein
TROUTMAN SANDERS LLP
401 9th Street N.W., Suite 1000
Washington, D.C. 20004-2134
Attorneys for Virginia Electric and Power
Company, AmerenUE, Atlantic City Electric
Company, and Delmarva Power and Light
Company

John D. Sharer
Law Department – OJRP-14
Dominion Resources Services, Inc.
P.O. Box 26666
Richmond, VA 23261-6666

Alan Buzacott
WORLD.COM INC.
1133 19th Street N.W.
Washington, D.C. 20036