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

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JUL - 2 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Qwest Petition for Waiver to Provide)
Operator-Assisted Reverse Directory)
Assistance Service)
)

GCB/CPD No. 01-126

CC Docket 01-126

WORLDCOM'S COMMENTS ON QWEST'S WAIVER PETITION

Pursuant to the Federal Communications Commission's ("Commission") *Public Notice* released on June 15, 2001 (DA 01-1445), WorldCom, Inc. ("WorldCom") hereby submits its comments on Qwest's Petition for Waiver of the Commission's Comparably Efficient Interconnection ("CEI") requirements for the purpose of providing operator-assisted Reverse Directory Assistance ("RDA").

To demonstrate "good cause" for a waiver, petitioners must show that "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest." The Common Carrier Bureau has stated that the test for whether a petitioner may be granted a waiver is whether it has shown special circumstances such as individualized hardship or inequity that warrants deviation from the Commission's rules.² Qwest does not explicitly identify, in its waiver petition, special circumstance such as individual hardship.

²Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969).

Moreover, Qwest does not clearly identify the Commission order or rules for which it is seeking a waiver. Initially Qwest states that it wants a waiver of any CEI requirements that the Commission deems applicable in order to provide operated-assisted RDA Service.³ Then it requests an extension of the waiver previously granted for electronic RDA Service to include operated-assisted RDA Service. Qwest further requests that to "the extent the Commission determines that there are any other Orders or rules that would prevent or affect Qwest's proposed provisioning of this service, Qwest requests that those Orders or rules be waived to allow [it] to provide operator-assisted RDA services."⁴ Furthermore, Qwest discusses the public interest benefits of the service it seeks to offer but does not specifically explain the effect of the CEI rules on its ability to offer the service. The Commission should require Qwest to specifically identify and address how the general rule is not in the public interest when applied to its particular case, and that the grant of the waiver will not undermine the public policy served by the rule.

WorldCom also notes that there is a pending proceeding concerning Bell Operating Companies' obligations under *Computer III* where CEI requirements have been raised.⁵ The Commission should consider whether that proceeding is more appropriate for addressing these issues. Moreover, before granting the waiver the Commission should also review Qwest's compliance with its other rules and orders such as the conditions of its previous waiver grant, other *Computer III* requirements, and its

³ See *In the Matter of Pacific Bell's Petition for Waiver of Section 36.380 of the Commission's Rules, Order*, 12 FCC Rcd 21813 (1997).

⁴ Qwest Petition, p. 1.

⁵ *Id.*, p. 2.

⁶ *In the Matter of Computer III Further Remand Proceedings: Bell Operating Company Provisions of Enhanced Services, 1998 Biennial Regulatory Review - Review of Computer III and ONA Safeguards and Requirements*, Public Notice, CC Docket Nos. 95-20 and 98-10, DA 01-620 (rel. March 7, 2001).

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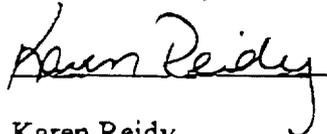
⁵ *In the Matter of Computer III Further Remand Proceedings: Bell Operating Company Provisions of Enhanced Services, 1998 Biennial Regulatory Review - Review of Computer III and ONA Safeguards and Requirements*, Public Notice, CC Docket Nos. 95-20 and 98-10, DA 01-620 (rel. March 7, 2001).

Dialing Parity requirements under the Telecommunications Act of 1996.⁶ In particular, the Commission should not extend Qwest's use of the directory database until it ensures Qwest's provision of nondiscriminatory access to directory listing information as is required under the 1996 Act.

Finally, if the Commission grants Qwest's waiver, any such waiver grant must specifically include conditions to ensure that Qwest is prohibited from engaging in unlawful discrimination. The CEI rules are intended to protect competition by requiring the ILECs to allow access to network functionalities on a nondiscriminatory basis. In the absence of the waived rule, Qwest can not be allowed to ignore the fundamental nondiscrimination requirements of the Communications Act.

Respectfully Submitted,

WORLDCOM, Inc.



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July 2, 2001

⁶ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) ("Telecommunications Act of 1996" or "1996 Act".) For example, the Commission should ensure that Qwest does not impose use restrictions or fails to provide the data at nondiscriminatory prices. See section 251(b)(3).

CERTIFICATE OF SERVICE

I, Vivian Lee hereby certify that on this 2nd day of July, 2001, copies of the foregoing were mailed to the following:

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***HAND DELIVERED**

Vivian Lee