

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

AUG 20 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Provision of Improved)
)
Telecommunications Relay Services) CC Docket No. 98-67
and Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)

REPLY COMMENTS OF THE UNITED STATES TELECOM ASSOCIATION

Pursuant to the July 19, 2001 *Federal Register* Notice, the United States Telecom Association (USTA),¹ respectfully submits these reply comments concerning WorldCom, Inc.'s (WorldCom) Petition for Clarification. That Petition seeks the Federal Communications Commission's (Commission) clarification as to whether WorldCom is entitled to receive reimbursement from the Interstate Telecommunications Relay Service (TRS) Fund (Fund) for the provision of Internet Relay (IP Relay) service.² USTA responds specifically to WorldCom, Inc.'s, AT&T Corp.'s, and Sprint's, respective, comments.³ These parties all advocate, separately, in favor of the Commission's affirmation that WorldCom is entitled to receive reimbursement from the Fund.

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ENCLOSED

¹ USTA is the nation's oldest trade organization representing the local exchange carrier industry. USTA represents over 800 domestic telecommunications companies that provide a full array of voice, data and video services over wireline and wireless networks. USTA's common-carrier members are required to contribute to the support of the Fund. Therefore, USTA members and their subscribers would be directly affected by Commission decisions made in this proceeding. USTA filed comments in this matter on July 30, 2001 (USTA Comments).

² See 66 *Fed. Reg.* at 37631-37632 (Jul. 19, 2001); *Petition For Clarification* by WorldCom, Inc. *In re Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Dkt. No. 90-571 (Dec. 22, 2000)

³ See respective comments in CC Dkt. In CC Dkt. No. 98-67 (Jul. 30, 2001): Comments WorldCom, Inc.; AT&T Corp. (AT&T) Comments; and Comments of Sprint Corporation (Jul. 30, 2001).

USTA is not convinced that WorldCom, in the provision of its IP-based telephone relay access service, qualifies for reimbursement from the Fund. Unless, the *prima facie* elements of section 225 and other relevant sections of the Telecommunications Act of 1934, as amended, are determined by the Commission to be satisfied, reimbursement would not be appropriate, nor lawful. Therefore, the Commission must determine, *inter alia*, that: (1) WorldCom is acting in the capacity of a common carrier in its provision of IP Relay;⁴ and, (2) that IP Relay service, as provided by WorldCom, constitutes a "telecommunications service" consistent with the Act's relevant provisions.⁵ These highly relevant considerations are ignored by WorldCom, Sprint and AT&T, in their respective comments.

Irrespective of how noble the cause, the FCC is constrained in its actions by the letter of the law. Should the FCC find WorldCom's IP-based TRS access service to be a telecommunications service, then it may qualify for support from the Fund.

Respectfully submitted,

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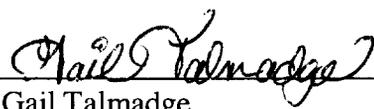
August 20, 2001

⁴ See USTA Comments.

⁵ See, e.g., 47 U.S.C. §§ 225, 255, 410, 3(10), 3(20), 3(22), 3(43), 3(44), 3(46).

CERTIFICATE OF SERVICE

I, Gail Talmadge, do hereby certify that on August 20, 2001, a copy of *Reply Comments of the United States Telecom Association*, in CC Docket No. 98-67, was either hand-delivered or deposited in the U.S. Mail, first-class, postage prepaid, to the persons on the attached service list.


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