

From: Laura Adams
To: Kathleen Abernathy
Date: Thu, Feb 13, 2003 2:21 PM
Subject: keep line sharing

Please don't eliminate line sharing. It is wrong to undermine competition! As a small business owner I am worried about my bottom line. This will create higher prices for broadband services, not lower them. Why in the world would you see it any other way?

Please think about the many people who have to count their pennies when trying to make a profit!
Laura Adams
5301 Mohawk Ln
Fairway, KS 66205

From: Laura Adams
To: Mike Powell
Date: Thu, Feb 13, 2003 2:27 PM
Subject: keep line sharing

Please don't eliminate line sharing. It is wrong to undermine competition! As a small business owner I am worried about my bottom line. This will create higher prices for broadband services, not lower them. Why in the world would you see it any other way?

Please think about the many people who have to count their pennies when trying to make a profit!
Laura Adams
5301 Mohawk Ln
Fairway, KS 66205

From: Mark Cooper
To: Mike Powell, Kevin Martin, KathleenAbernathy, Commissioner Adelstein, Michael Copps
Date: Thu, Feb 13, 2003 9:58 AM
Subject: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers

February 12, 2003

Chairman Michael K. Powell
Commissioner Kevin J. Martin
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Notice of Proposed Rulemaking, CC Docket No. 01-338

Dear Commissioners:

We the undersigned consumer organizations write to express our support for the approach to UNE issues summarized in the February 6 ex parte filing submitted by NARUC. We believe that this approach represents a reasonable framework for addressing the availability of unbundled network elements while preserving an environment that promotes competition and protects consumers.

The benefits that consumers are just now beginning to see in the telecommunications marketplace have come about largely due to the diligence of state utility regulators who, in recent years have worked hard to implement the 1996 Telecommunications Act. Our support of the NARUC framework emphasizes our view that the FCC should not restrict the ability of state regulators to fulfill their Congressionally assigned role of keeping local markets open and wholesale prices fair and reasonable. Working together the FCC and state regulators can protect and enhance competition for the benefit of consumers.

Sincerely,

Consumer Federation of America
Consumers Union
Media Access Project

From: Melissa Staehle
To: Mike Powell
Date: Thu, Feb 13, 2003 1:44 PM
Subject: Save the UNE-Platform

Please see the attached letter.



February 13,2003

Dear Chairman Michael Powell:

I ask your support for the continued availability of the "WE-Platform."

My company, Access One, offers local telephone service in the SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Melissa Staehle
Marketing Representative
Access One Incorporated

From: michael barnette
To: Mike Powell
Date: Thu, Feb 13, 2003 1:49 PM
Subject: unep regulations

Dear Sir;

In the recent months I have read that the FCC announced that they are going to change the regulatory laws concerning the resale of services to competitors. This regulation may make new business come out of the woodwork as the saying goes but the fact remains that there is only a **certain** amount of business to start with. This business grows or shrinks according to demand. With wireless phones becoming more popular than ever, old land line phones are becoming **less** popular with the public. Most of the incumbent companies that own the switching equipment for these lines won't invest in new technology as your agency requires them to sell their investment to resellers at a **loss**.

The large losses of residential customers which are the Bell's mainstay to resellers is also a problem created by these same regulations. If you have only a certain number of customers to start with and you start loosing them to competition eventually you will either have to find another customer base or go out of business. If all of the Baby Bells **go** out of business the very competition that was reselling their services by using your regulations will be the sellers instead of the buyers and the whole cycle will start over again. Instead of creating competition by resale to lower consumer prices why didn't the FCC put a price lid on services.

Would it be fair to go to Bank of America and tell them that due to government regulation another bank was going to share their buildings, **staff**, and services at a **loss** to them? The regulations put in place by the FCC to lower consumer prices for telephone services was a good idea in itself but they forgot the human equation. Humans are inherently greedy and will look for loopholes in anything. The regulations will allow competition to lease equipment and lines from the Bells. This allows them to resale these services at a lower cost than the Bells can operate at and will eventually cause the collapse of the **Bells** over a period of time. To continue along these lines only makes the statement that the FCC wishes for the incumbent Bells to go out of business. I would appreciate any feedback from your office about this subject that you can spare.

Sincerely; Michael Barnette SR.

From: MKLOUIE@aol.com
To: Mike Powell, KathleenAbernathy, Michael Copps, KM KJMWEB. Commissioner
Adelstein
Date: Thu, Feb 13, 2003 10:46 AM
Subject: RE: Line Sharing

Please keep line sharing as is

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank you very much

Sincerely,

Melvin Louie

From: MLSLLC
To: Mike Powell
Date: Thu, Feb 13, 2003 10:12 AM
Subject: UNE-P

Commissioner:

As a small businessman, I urge you to keep line sharing as is

I know from personal experience that eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy.

Marty L. Shobert
Manager
MLS, LLC Investment Management

From: Rick Leach
To: Mike Powell
Date: Thu, Feb 13, 2003 7:27 AM
Subject: linesharing

Please keep line sharing as is

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

From: Sonia Lopez
To: Mike Powell, Kathleen Abernathy, Michael Copps, Kevin Martin, Commissioner Adelstein, Jordan Goldstein, Lisa Zaina, Daniel Gonzalez, Christopher Libertelli, Matthew Brill
Date: Thu, Feb 13, 2003 2:50 PM
Subject: FCC UNE-P LETTER

Attached you will find the FCC UNE-P letter from Mr. John Gibbons.

Thank you,

Sonia Lopez
Marketing - Administrative Assistant
TMC Communications
125 East De La Guerra, Suite 201
Santa Barbara, CA 93101
Tel: (805) 965-8620 or (866) 999-1133
Fax: (877) 965-7822
E-mail: slopez@tmccom.com
Visit us on the web at www.tmccom.com

February 13, 2003

Honorable Michael K. Powell, Chairman
Honorable Kathleen Ahernathy, Commissioner
Honorable Michael Copps, Commissioner
Honorable Kevin Martin, Commissioner
Honorable Jonathan Adelstein, Commissioner
Federal Communications Commission
445 12th street SW
Washington, DC 20554

Re: *Ex Parte*
CC Docket Nos. 01-338, 96-98, and 98-147

Dear Chairman Powell and Commissioners:

I, the undersigned chief executive officer of a competitive provider of local telecommunications services, have reviewed the network element unbundling principles and standards set forth by the National Association of Regulatory Utility Commissioners ("NARUC") in their February 6, 2003 letter filed in this proceeding.¹ I am writing to express my full and unequivocal support for the NARUC framework.

Our industry has invested billions of dollars in infrastructure, and have led the way in deploying innovative local telecommunications services to millions of consumers throughout the United States. Our business plans have been developed in reliance upon the twin promises of the 1996 Telecommunications Act and state and federal unbundling rules. I believe that the NARUC framework would allow our industry a fair and reasonable chance to continue to provide competitive offerings to the millions of residences and small business consumers that have come to rely upon them. By adopting the NARUC framework, the Commission can achieve its complementary objectives of establishing a pro-competitive deregulatory unbundling framework and creating an unbundling regime that complies with the D.C. Circuit's decision in *USTA*,² which demands that the Commission's unbundling rules be the result of a fact-specific inquiry.

The NARUC framework calls for the Commission to promulgate the baseline Section 251 impairment test applicable to all elements. State commissions, in turn, will be charged with applying the Commission's impairment standard to all elements, and must remove from the list

¹ See Letter from David Svanda, NARUC President and Michigan Commissioner, *et al.* to Chairman Powell (Feb. 6, 2003)

² *USTA v. FCC*, 290 F.3d 415, 422 (D.C. Cir. 2002) ("*USTA*").

Honorable Michael K. Powell, et al.
February 11, 2003
Page 2

those UNEs where it is demonstrated that no impairment exists. By properly placing the fact-finding and decision-making burdens upon state commissions, the NARUC framework allows the Commission to respond appropriately to both the Court of Appeals in *USTA* and the Supreme Court's decision in *Verizon*.³ Those decisions require that the Commission adopt an impairment standard that allows for **detailed, fact-based application of the impairment factors** rather than a uniform national rule that applies in every geographic market and customer class. The NARUC framework allows State commissions to assess impairment on a market-by-market basis, and tailor the availability of specific network elements—or any necessary transition process—where the state commission finds that market conditions dictate that an element should be removed. Accordingly, the regime contemplated by NARUC ensures that competitive conditions most conducive to continued facilities investment and vibrant competition are fostered.

At bottom, the NARUC framework will promote the continued growth and expansion of local competition by ensuring that innovative services are available to all consumers – including mass-market residential and small business customers -- throughout the country. Any plan that would adopt a "one size fits all" national unbundling regime would not only be contrary to the requirements of *USTA*, but would effectively unhinge the efforts of entrepreneurs and innovators in the competitive telecom sector.

Accordingly, we respectfully urge you to adopt the compromise framework submitted by NARUC on February 6.

Sincerely,

From: Steve Brown
To: Mike Powell, Kathleen Abemathy, Michael Copps, KM KJMWEB. Commissioner Adelstein
Date: Thu, Feb 13, 2003 9:40 AM
Subject: Line Sharing

Please keep line sharing as is.

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Steve Brown

Do you Yahoo!?
Yahoo! Shopping - Send Flowers for Valentine's Day

From: Sullivan, Robert
To: Mike Powell
Date: Thu, Feb 13.2003 11:22 AM
Subject: line sharing

Please keep line sharing as is

- >
- > Eliminating line sharing will lead to less choice and
- > competition, and higher prices for consumers and small business
- > for broadband services.
- >
- > It also would slow the penetration of broadband services across
- > the country delaying key benefits that can help the economy
- >
- > Thank You

From: Tanya Dupuis
To: Mike Powell
Date: Thu, Feb 13, 2003 7:24 AM
Subject: Linesharing

Please keep line sharing as is

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It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Impossible is a word to be found only in the dictionary of fools
--Unknown

From: Thom Hart
To: Mike Powell
Date: Thu, Feb 13, 2003 12:16 PM
Subject: RE: CC Docket No. 01-338

I'm writing to you concerning CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers.

As President of our local economic development organization, I see how communication technology effects business in our community and therefore support the following points:

1. Broadband facilities should not have unbundling requirements extended to them. Broadband development is extremely important in creating new **jobs** in the communications sector and increasing capital spending. Small and large businesses depend more and more on Broadband products and services, and freeing broadband investment from costly unbundling requirements will help business.
2. The telecom industry needs a national framework created by the FCC that will provide incentives for facility investment and will create an environment allowing for increased competition. This can be accomplished by the FCC eliminating unbundled switching and the unbundled element platform.
3. The FCC should eliminate facility unbundling rules as these have been counter productive to development in the telecommunications industry and the high tech manufacturing sector. Jobs, capital investment and capital spending have both been negatively effected by these irrational unbundling rules.

Thom Hart
Quad City Development Group
(309) 788-7436 or (563) 326-1005
www.quadcities.org

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein

From: Tiffany Jones
To: KathleenAbernathy
Date: Thu, Feb 13,2003 4:59 PM
Subject: Save the UNE- Platform

<<UNE-Platform Letter KathleenAbernathyl.doc>>

Tiffany Jones

Dedicated Provisioning Manager

Access One, Inc.

820 W. Jackson Blvd

6th Floor

Chicago, IL 60607

312.441.9908

fax 312.441.1010

Toll Free 800-804-8333 x 908



February 13th, 2003

Dear Commissioner Kathleen Abernathy:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the WE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Tiffany Jones
Dedicated Provisioning Manager
Access One Incorporated

From: Tiffany Jones
To: Mike Powell
Date: Thu, Feb 13, 2003 5:17 PM
Subject: Save the UNE-Platform

<<UNE-Platform Letter Michael Powell1.doc>>

Tiffany Jones

Dedicated Provisioning Manager

Access One, Inc.

820 W. Jackson Blvd

6th Floor

Chicago, IL 60607

312.441.9908

fax 312.441.1010

Toll Free 800-804-8333 x 908



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Thank you very much for your time and attention to this important matter

Sincerely,

Tiffany Jones
Dedicated Provisioning Manager
Access One Incorporated

From: Bob McCulloch
To: Bob McCulloch
Date: Thu, Feb 13, 2003 1:13 AM
Subject: Proposed FCC Changes to Telecommunicatoins Act

EX PARTE OR LATE FILED

Message sent to the following recipients:

Senator Inouye
Senator Akaka
Representative Case
Message text follows:

Bob McCulloch
92-924 Welo St. #60
Kapolei, HI 96707-1485

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

Please support the Telecommunications Act of 1996 as it was written
Please oppose changes that FCC Chairman Powell is seeking.

If the act is changed as he proposes, the hopes for local phone service
competition will never be a reality in Hawaii, and will be restricted in
the rest of the country.

I am also upset to learn that an unelected bureaucrat at the FCC can
overturn legislation that was passed by congress.

Sincerely,

Bob McCulloch

From: brycemcmury
To: Mike Powell
Date: Thu, Feb 13, 2003 4:44 AM
Subject: <No Subject>

I have been reading that you are threatening to eliminate the competition that came as the result of the Telecommunications act of 1996.

I have my local and long distance telephone service with MCI. It is better service and only requires me to use one telephone company for both local and long distance service. This is competition. The result of Efforts by the last Democratic Administration.

IT would be fraudulent for you to get paid off by the baby bells so that this competition is destroyed.

Bell South has been completely opposed to any innovation. For example all thought I only live about 1 mile from one of the bell south switching stations.

The reality is that bell south has been unable to offer DSL. The problem has now been solved by Media Com offering high speed internet access.

IF local state regulators determine that bell south is charging too much for access to their monopoly system then the FCC shouldnt be overriding this.

PLEASE DO NOT TAKE AWAY THE COMPETITION THAT IS COMING AS A RESULT OF THE TELECOMMUNICATIONS ACT OF 1996,

IT IS JUST LIKE WHEN ALFRED KAHN IN THE CARTER ADMINISTRATION OFFERED DEREGULATION OF THE AIRLINE INDUSTRY. IT HAS BENEFITED EVERYONE EXCEPT FOR A FEW HIGH PRICED PILOTS. MORE PEOPLE ARE ABLE TO FLY AT A LOWER COST.

IF BELL SOUTH CAN NOT AFFORD TO MAINTAIN THEIR NETWORK. THEN OTHERS SHOULD BE ALLOWED TO BID ON MAINTAINING THIS NETWORK. WHAT SHOULDNT HAPPEN IS THAT YOU STEAL OR DESTROY THIS COMPETITION.

BRYCE MCMURRY
A CONCERNED CITIZEN AND TELEPHONE CUSTOMER THAT FEELS THREATENED BY YOUR RETORIC AND THREATS TO ELIMINATE TELEPHONE COMPETITION.

MCI HAS PROVIDED BETTER SERVICE AT A LOWER COST THAN DID BELL SOUTH. ALLOW THIS COMPETITION TO FLOURISH.

THANKS

BRYCE MCMURRY

From: Donald Pemberton
To: Mike Powell
Date: Thu, Feb 13, 2003 6:04 AM
Subject: please keep line-sharing

Please keep line sharing as is.

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You
Mr. Donald Pemberton

From: EMerInv@aol.com
To: Commissioner Adelstein, Mike Powell, Kathleen Abernathy, Michael Copps, KM
KJMWEB
Date: Thu, Feb 13, 2003 6:11 AM
Subject: line sharing

Please continue line sharing for high speed Internet. (DSL)

Don't give this back to the Bells.

- 1) The **Bells** made their agreement with Senator Hollings, in exchange for long distance
- 2) Very bad for the country and broadband to return that competitive advantage to the Bells.
- 3) Keep the last mile open.

If you give control of last mile to the Bells, you can say good-bye to residential broadband..and growth. Which will have a direct effect on home based business....a trend in this country, which helps parents take care **of** their children instead of day care. **DSL** will be priced out of range. Haven't you learned by now the Bells have no integrity? What ever empty promises they may give you, won't **be** kept or enforced by you or any other future Chairman or Commissioners regardless of your admirable intentions.

I do not want the Bells to have a competitive advantage, or monopoly to my house or business.

Thank you for reading this mail.

This is a historic time. How do you want history to view you during the time of broadband and the Internet revaluation? As an American, or an extension of the Bell office.
Please do the right thing...not the Bell thing.

Respectfully,
American, Tax payer, Voter, concerned citizen
Randall Effler