

From: John Rook
To: Commissioner Adelstein
Date: 2/6/03 4:47PM
Subject: Comments to the Commissioner

John Rook (JHRook@earthlink.net) writes:

January 30, 2003

Mr. Lowry Mays, Chairman
Clear Channel Communications

Greetings Mr. Mays,

Welcome to Washington DC.

The arrogance of your actions fueled the fire I needed for the past three years to bring about your need to visit Washington today.

Your company drove me out of business, stole my radio station, out litigated my lone efforts to bring my antitrust case to trial and forced me to sell my stock in your company to pay legal expenses.

SHAME ON YOU!

This isn't the broadcasting ethics I practiced all those years I worked at WLS. WABC. KFI and KABC. I never used my muscle to beat up on the little guy. Your brand of Texas justice wasn't practiced by nor was it allowed by my employers at Cox and ABC.

I made all of this available to the Department of Justice and the FCC. Unfortunately, I was advised that your connections at the White House and your financial muscle would be more than I could possibly weather.

A 75 million dollar payoff to congress brought about the Telecommunications bill of 1996 that started the pigs eating from the trough.

A lifetime broadcaster at 65 years of age may have been wiped out financially, but thanks to Senator's McCain, Hollings and Feingold hearing my pleas and my daily grind to make the media and congress aware of my plight, you are finally having to answer.

You can't hurt me anymore, you've already done it.

If a lesson is to be learned, be a little more understanding of the little guy, taking advantage of those unable to compete with your financial muscle. In other words, discontinue being driven by your banking experience and start practicing ethics broadcasters of the past used to employ.

Today was one of the few days I have enjoyed in years.

John Rook
8301 W. Sausser Drive
Coeur d'Alene, Idaho 83814

208-664-4014

Server protocol: HTTP/1.0
Remote host: 66.82.9.18
Remote IP address: 66.82.9.18

From: okie rigney
To: Michael Copps
Date: 2/11/03 9:24PM
Subject: A Phone Man's view

Hello Mr. Copps. My name is Okie Rigney. I am a 36 year old father of two, a Gulf War veteran, and a Cable Maint. Tech. with Verizon for 3 years now. I love My job and I don't want to lose it. As a technician that delivers and repairs the phone service I see first hand the unfairness of "CLECS". I often get the puzzled questioning from "CLEC"s customers when they see my van pull in their driveway with Verizon written on it instead of the name of some other supposed phone company. I find it crazy how the "CLEC"s can be called a phone company but not do the actual work that makes a phone company a phone company. A billing company that gets to stand between us and the end customer siphoning money off of our investment, sweat, and service is how I see the "CLEC"s. And now I'm afraid that we are being bled to the point of jobs having to be cut. We already lost several thousand in the North East. We are hurting. We have been cutting expenses everywhere, tools, overtime. new cable and even cable maintenance. Part of it is the economy but it doesn't help to lose 40% of revenue to each "CLEC" line yet the work to service it isn't reduced. Everyone ask about DSL, but it is clear, we will not invest in it when a "CLEC" can freeload on it. So everyone is going to Cable Vision Broadband which doesn't share it's facilities, Haven't you heard? Buying direct from the factory eliminates the middle man and reduces the price?

Mr Copps I live in a trailer. never owned a car less than ten years old. I started this job at bottom pay and my family made sacrifices because in the end it would pay off. I thought of it as an investment. Now only a year from top pay and at the point where I should be able to buy a house. I see my investment going to some one else who will never know the fear of being 30 feet high on pole secured only by two tiny hooks into the wood.

At Ground Zero it was real Phone Men and Women from Verizon that worked feverishly around the clock restoring service. And now, some of those real Phone men and Women are jobless. Mr. Copps. at Ground Zero during the marathon to restore service, where were the "CLEC"s?

Okie Rigney
Cable Maintenance Technician # 426
Verizon 553 Leesville rd. Lynchburg. Va. 24502

From: dolores.a.may@verizon.com
To: Commissioner Adelstein
Date: 2/12/03 2:40PM
Subject: Verizon Ex Parte re the NARUC and SBC Proposals in Triennial

(See attached file: 02-12-03 May-I.pdf)

Dee May
202-515-2529
Fax 202-336-7922

CC: lzaina@fcc.gov.vznotes.bellatlantic.com

Dee May
Executive Director
Federal Regulatory



1800 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 512-8629
Fax 202 336-7822
ddee@verizon.com

February 12, 2003

Ex Parte

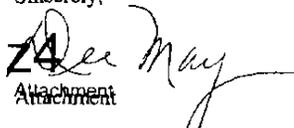
Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Portals
Washington, DC 20554

Re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Local Competition Provisions in the Telecommunications Act of 1998, CC Docket No. 98-98; and Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Dear Ms. Dortch:

The attached letter from Susanne Guyer and Ed Shakin of Verizon was provided to Chairman Powell today. Please place it on the record in the above proceeding. Please let me know if you have any questions.

Sincerely,


Attachment

- cc: Commissioner Abernathy
- Commissioner Adelstein
- Commissioner Martin
- Commissioner Epps
- W. Maher
- J. Rogovin
- J. Carlisle
- B. Framont
- E. Libertelli
- M. Brill
- B. Gonzalez
- J. Goldstein
- L. Zalta
- M. Carey
- R. Tanner
- B. Olson
- T. Navin



1300 I Street, NW
 Suite 400 West
 Washington, DC 20005

February 12, 2003

Honorable Michael Powell
 Chairman
 Federal Communications Commission
 445 Twelfth Street, SW
 Washington, DC 20554

Dear Chairman Powell:

We are writing to respond to two proposals that were made immediately before release of the Initial Sunshine Notice last Thursday. While these proposals purport to offer new ways to meet the requirements of the Act, they in fact directly contradict the Court decisions interpreting the provisions of the Act under review in this proceeding. The first, from NARUC, impermissibly proposes to give the states final say over both the removal and the addition of UNEs and, with respect to unbundled switching, would actually expand the availability of this element compared to the rules struck down by the D.C. Circuit in *USTA v. FCC*. The second, from Nuvox, Qwest and SBC, constructively endorses the safe harbor standards regarding the availability of enhanced extended loops (EELs) in the Supplemental Order Clarification, but then proposes an alternative safe harbor test for "smaller" carriers that does not examine the use of particular facilities and, consequently, would impermissibly ensure the use of EELs for the provision of non-local service. Both of these proposals move away from true accommodation of competing interests in this proceeding, and neither should be adopted.

NARUC Proposal

The NARUC proposal must be rejected on both procedural and substantive grounds. First, the proposal would require the Commission abrogate its statutory role to determine what elements must be unbundled and instead would assign that role to state regulators. Although NARUC pays lip service to the states being guided by "general overarching principles" articulated by the FCC, it is clear that the states would be free to overcome presumptions of non-impairment and compel unbundling even where the Commission has made a non-impairment finding.

The Act requires the Commission - not the states - to make the determinative finding on impairment and prohibits the states from either usurping that role or preempting the Commission's unbundling determinations. See Letter from Qwest, BellSouth, SBC and Verizon to Chairman Powell (first Nov. 19, 2002). The NARUC proposal goes far beyond the extensive role assigned to states under the Act. At a minimum, it is this Commission that must retain exclusive authority to determine whether particular elements meet the Section 251(d)(2) standard. NARUC's suggestion to the contrary cannot be

reconciled with Section 251(d)(2) and the Supreme Court's insistence that the Commission's necessary-impair analysis establish real limits on access to UNEs. *AT&T v. Iowa*, 525 U.S. 368 (1999). State regulators have themselves recognized this federal role and have agreed that "the FCC must, in the first instance, determine whether competing carriers are 'impaired' in the provision of a telecommunication service." Letter to Chairman Powell from commissioners from Maine, Ohio, Florida and Colorado (dated Feb. 6, 2003).

Second, the substance of the NARUC proposal cannot be reconciled with the D.C. Circuit's explanation of the requirements of section 251(d)(2). The court chastised the Commission for requiring nationwide unbundling, even in the face of significant deployment of alternative facilities in many areas. See *USTA v. FCC*, 290 F.3d 415, 422 (D.C. Cir. 2002) ("UNEs will be available to CLECs in many markets where there is no reasonable basis for thinking that competition is suffering from any impairment of a sort that might have the object of Congress's concern.") Moreover, the Court specifically cited circuit switching as an example of where the prior Commission order relied on arguments of cost disparities and scale economies that were true of any new entrant and as a result "there is no particular reason to think that the element is one for which multiple, competitive supply is unsuitable." *Id.* at 427. The record in this proceeding bears out that conclusion, with more than 1300 competitive circuit switches in urban, suburban, and rural areas nationwide, which are being used to provide service to business and residential customers in wire centers accounting for more than 86 percent of the BOCs' accesslines. See Letter from Suzanne Guyer and Michael Glover, Verizon to William Mauer (filed Jan. 10, 2003). Yet despite this uncontested evidence and the Court admonitions, the NARUC proposal would require even greater access to unbundled switching than exists under the rule the court struck down.¹

Moreover NARUC would base that unbundling requirement on UNE zones that have no consistency and have no relation to the actual use of competitive switches. Because each state used its own criteria to establish these zones, the criteria vary from state to state, and will make a national policy on unbundling unattainable. Some states base their zones on density of lines, while others base their zones on cost, and still others on individualized geography or demographics of a particular state. For example, each island in Hawaii is a separate density zone, and in New York there is a special zone just for Manhattan. Even when states use density as a common basis, they define zones differently. In Rhode Island a zone with 200 lines per square mile is considered rural, while that same density in New Hampshire is classified as suburban. Similarly, a zone with one thousand lines per square mile would be suburban in Massachusetts, Rhode Island and Maine, but that zone is urban in Delaware, Vermont and New Hampshire. Thus the NARUC proposal not only would have the FCC abrogate its obligation under the Act, it would create a scheme that has no rational basis.

Likewise, NARUC would compel continued, universal access to unbundled transport, even though the D.C. Circuit rebuked the Commission for dismissing the relevance of competitive transport alternatives in the top 50 MSAs in establishing just such a rule in the UNE Remand Order. See *USTA v. FCC*, 290 F.3d at 423. (And, as with switching, the availability of alternative transport facilities has virtually exploded since the UNE Remand Order, with over 1800 competitive fiber networks in the top 150 MSAs.)

The NARUC proposal, in short, is unlawful, unwise, and unworthy of serious consideration.

¹ This is so because NARUC would establish a presumption of non-impairment only for business customers subscribing to high-capacity (61) services in Zone 1. The current rule, in contrast, does not require access to unbundled switching for business customers with four or more voice grade lines in certain areas.

CLEC/SBC Proposal

In contrast, the joint SBC/CLEC EELs proposal is an effort to address an issue that - at the very least -- needs further review. The proposal appropriately recognizes the state of the law, and specifically endorses the *Supplemental Order Clarification*, 19 FCC Red 9587 (2000), and the requirement that competing carriers are not impaired in the provision non-local special access services. See *Cumpton*, 4 FCC 309 F.3d 8, 74 (D.C. Cir. 2002) ("it is far from obvious to us that the FCC has the power, without an impairment finding, as to nonlocal services, to require that ILECs provide EELs for such services on an unbundled basis"). And while silent on this point, the proposal appears to suggest that the Commission retain the significant safeguard of prohibiting commingling.² While the proposal may raise issues that can be addressed, it would work a dramatic change to the status quo before carriers can more fully review the impacts, and address deficiencies.

One fundamental deficiency is in the details of the new test. The proposal asks the Commission to abandon any limiting standard on unbundling of EELs for the subset of "smaller" carriers.³ In particular, none of the measures proposed as a test for those smaller carriers meets the most basic requirement of the safe harbor approved by the D. C. Circuit - in fact, none of the alternative measures requires that there be any local use - much less substantial local use - for a particular circuit sought to be treated as an EEL. In the name of avoiding a "burden" that is never quantified or substantiated, the proposal ignores tests that its own CLEC authors had previously endorsed, including a requirement of a local number on the circuit to be treated as an EEL, the presence of actual local traffic on the circuit and the right to audit records to confirm such traffic. See Letter from Julia Straw, Cbeyond, to Marlene H. Dench (first Jan. 6, 2003).

In its place, the proposal focuses on criteria that a carrier merely qualifies as a CLEC and is collocated. Verizon has already addressed the inadequacy of these requirements. See Letter from William P. Barr, Verizon to Chairman Powell (first Jan. 30, 2003).⁴ Indeed, even with the carrier size limitation, the proposal would allow immediate use of unbundled elements to substitute for special access circuits resulting in a loss of hundreds of millions of dollars in Verizon revenue that would otherwise help support network investment.

In particular, the requirement that a CLEC have a certain number of local interconnection trunks in a LATAs is no guarantee that each and every EEL will carry any local traffic, much less a significant amount. While in theory, a logical relationship may exist between the existence of local service interconnection trunks carrying CLEC local traffic and the CLEC's offering of local services in that LATAs, the proposal does not even require that the "qualifying" interconnection trunk have any

² While Verizon has recognized that a limited modification for voice-grade circuits may be appropriate, any other adjustments would have to be evaluated to determine the consequences.

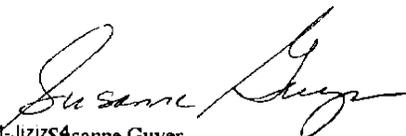
³ The proposal would only screen out the very largest carriers. Verizon estimates that carriers with over four billion dollars in revenues qualify as "small."

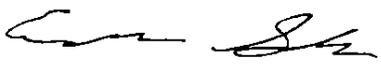
⁴ While Verizon previously explained how a collocation requirement will not slow the use of EELs for non-local special access this proposal waters down even that requirement by considering it met where ILECs have agreed to reverse collocation. ILECs have sought reverse collocation virtually across the board in order to avoid paying inflated rates to the CLECs for access facilities - and CLECs have denied these requests virtually across the board. Consequently CLECs could contend that ILECs have "agreed to" reverse collocation anywhere and everywhere. In no sense however, would this show that the CLEC is using EELs for a significant amount of local traffic, particularly since reverse collocation would most likely be used by the CLEC to terminate its traffic to the CLEC, and not the other way around.

relationship to a particular EEL. And, even if it did require such a connection, a ratio of one DS1 interconnection trunk to 24 EELs cannot be considered "significant." Even at full local utilization, this would only allow for a maximum of 4% local usage (24 channels in the DS1 trunk compared to 576 channels or equivalent capacity in 24 EELs). Indeed, the interconnection trunk requirement is rife with opportunities to game the test. For example, the draft does not distinguish between trunks outbound from the CLEC (which carry local traffic and are obtained by the CLEC) and trunks inbound to the CLEC (which frequently carry Internet-bound traffic and are not obtained by the CLEC). Only CLEC-outbound trunks should count to support the presence of local traffic. And, even where two-way trunks are in place, there is no requirement that those trunks be used to carry CLEC-originating local traffic.

The local use safe harbors adopted in the Supplemental Order Clarification should be left intact. If the Commission has any remaining concerns about the ability of CLECs to use EELs to extend the reach of their switches for local service in the absence of an unbundled switching requirement, it can address those concerns directly without making wholesale changes to the safe harbors. In particular, the Commission could adopt a narrow exception to the connecting prohibition to permit CLECs to connect analog voice grade loops used to provide competing local telephone service to special access transport. Likewise, it could provide additional clarification regarding the CLECs' auditing rights (which Verizon, for one, has never invoked.) See Letter from William P. Barr, Verizon to Chairman Powell, (filed Jan. 30, 2003). To avoid unintended and unanticipated consequences, the Commission should not, however, adopt radical changes to the existing rules without further review and comment. Instead, as it did previously in adopting the Supplemental Order Clarification, it should give time for various parties to analyze proposals and provide input so that the Commission can thoroughly understand how these rules will work on a going-forward basis.

Sincerely,


 Susanne Guyer
 Senior VP Federal Regulatory Affairs


 Ed Shakin
 VP & Associate General Counsel

From: valley
To: Michael Copps
Date: 2/13/03 2:30PM
Subject: DSL line sharing must stay

I don't understand how you can have a problem with line sharing. I pay Verizon for my phone line, then I pay Covad to run their DSL over said line. If this is eliminated I would **be** forced to run a second phone line or forced to go with Verizon and whatever price they choose to charge **me**. If Verizon has no competition this price is certain to go up. I can't see any benefit to the American people under this scenario. Please consider this when making your decision.

A.J. Trilli

From: Gerald R. Morrison
To: Commissioner Adelstein
Date: 2/14/03 8:59AM
Subject: Need your help!

If the Commission does not make the appropriate decision on broadband unbundling, things will only get worse. You must support the HTBC position. . or the whole economy suffers more pain.

Corning to Eliminate Products, Shut Plant
Thursday February 13. 4:16 pm ET

CORNING, N.Y. (Reuters) - Corning Inc. (NYSE:GLW - News), the world's largest maker of fiber-optic cable, said on Thursday it will discontinue two product lines and close a California plant as part of its plan to return to profits this year.

The actions will result in the elimination of 190 of the Corning, New York-based company's 23,500 jobs at the end of last year, a spokesman said. The cuts are expected to result in pretax charges of \$20 million to \$30 million against first-half results.

Corning said it will discontinue making its wavelength switch and blocker product lines -- used in a fiber-optic telecommunications networks to direct traffic -- and close the Fountain Valley, California, plant that builds those products. The cuts are expected to be completed by mid-year.

Analysts said the move was not a surprise.

"Given the state of the photonics market, if they're going to stay in it they need to focus on where they're best positioned." said Merrill Lynch analyst Steven Fox, who has a "neutral" rating on the stock. He said the company's strongest photonics products are amplifier and dispersion compensation modules.

Fox does not own Corning stock and Merrill Lynch does not do banking business with the company.

The company's stock closed up 10 cents to \$5.05 in trading on the New York Stock Exchange (News - Websites).

"It has become evident that the current market for these products is smaller and further out than anticipated," Mark Newhouse, Corning vice president, new products and development, said in a statement.

The company said last week it would narrow the product offerings in its struggling photonics business and was considering all options for the rest of that unit -- including exiting the business, partnerships, or eliminating further products. A decision on the business, which makes products that amplify or manage light in telecommunications networks, would be made by the middle of the year.

Corning on Friday forecast a return to profits in the third quarter.

Battered by the slump in the telecom sector, which accounts for half its sales, Corning said cost controls, growth in its technologies segment and stable sales volume in optical fiber and cable would boost results.

The company, which last reported a quarterly net profit in the first quarter of 2001, has slashed jobs, closed plants and sold assets over the past year in a restructuring. It previously said it does not see a recovery in the telecom market until late 2004.

From: Jim Langstaff
To: Commissioner Adelstein
Date: 2/18/03 1:38AM
Subject: <no subject>

This letter relates to the FCC upcoming rule changes for broadband and telecom.

Forcing the "baby Bells" to lease their networks at rates that are below market rates has overtime led to "artificially" lower rates for consumers. Now that many telecom companies are full of debt and near bankrupt -- would it not make much more sense to have everyone pay closer to market rates -- end the subsidy and forced discounts so that many great American Telecom companies can turn themselves around and avoid bankruptcy.

As an example, do consumers really need to pay only a few cents a minute for long distance -- if this artificial and false economy is leading to telecom bankruptcies.

Why not let the Baby Bells charge market rates for their networks and require competitors to overtime build their own networks. This would not only revive the Baby Bells but would probably revive the network manufactures such as the Lucent, and Nortel etc of the world.

Yours sincerely,

James H. Langstaff,
265 Empress Avenue
Toronto, Ontario. M2N 3V2
(416) 225-8086

From: Steve Foster
To: Commissioner Adelstein
Date: 2/19/03 12:21AM
Subject: <No Subject>

Dear Commissioner Adelstein,

I writing to you regarding docket # 01-337 and 01-338

The telecommunications infrastructure in this country was build and paid for by the people. AT&T and the "baby bell" networks were guaranteed a handsome, regulated profit as guardians of these facilities. Somewhere along the lines, during the deregulation process they claimed ownership of these networks, even though they took no risk when building them. We've been well served by the competitive environment created by the Telecom act of 1996, and I'm very much in favor of a free market place. I think the people's communications infrastructure (it's ours -we paid for it) should be open to as many competitors as possible. My wife and I **use** an independant ISP (speakeasy.net) which offers a DSL service in an area where my local baby bell SBC doesn't even offer service. Their level of service (uptime) and customer service far exceed that of SBC. If the FCC lifts the dominant classification from the Local Exchange Carriers (Bells), we wouldn't even have a broadband solution at my house in Menlo Park, California, the center of venture capital in the world. We would be left with a duopoly consisting of a bell and a cable company. I wouldn't wish that reality on my worst enemy. Competition in the American Telecom marketplace will not be incentivized, it will be torpedoed. ISPs and CLECs will cease to exist. Commissioner Adelstein, don't **let** this happen.

From: KEN AND RACHEL
To: Commissioner Adelstein
Date: 2/19/03 6 27PM
Subject: FCC LOCAL PHONE RULING

BE FAIR TO THE REGIONAL BELL COMPANIES IT'S THEIR NETWORKS THAT MAKE AMERICAS
COMMUNICATIONS GO FORWARD

CC: KEN & RACHEL KANE

From: John Nawracay
To: Commissioner Adelstein
Date: 2/19/03 9:27PM
Subject: tel

Reconsider and give the phone co.s a break vote with Powell DE-regulation has ruined the phone co's and has created fly by nite companies

From: Tim J Keef
To: Commissioner Adelstein
Date: 2/19/03 10:20PM
Subject: Comments to the Commissioner

Tim J Keef (tkeef1@cox.net) writes:

Mr Adelstien,I have worked in the telephone industry for over 25 years.I have seen many changes,most for the best.But what we call competition as it is,is not competition.Many access lines have been lost to true competition,such as wireless and cable industries,and I think true competition is good.But to let another company, make no investment, resell what they have no ownership in, while undermining the backbone of the main system by investing nothing in the maintaine of it, isn't competition.
Thanks, Tim J Keef

Server protocol: HTTP/1.1
Remote host: 68.12.224.36
Remote IP address: 68.12.224.36

From: Martin Oppenheimer
To: Commissioner Adelstein
Date: 2/19/03 10:49PM
Subject: Re: Docket Nos. 02-52, 02-33, 01-337 and 01-338

Dear Commissioner Adelstein

Please make no changes in the Telecommunication Reform Act of 1996

Proposals to suspend the act as hyped by the Bell Companies would seriously hurt the small Internet Service Providers (ISP's) and Consumers of their Internet Services.

Respectfully,

Martin Oppenheimer N2HLA

From: saabel3@aol.com
To: Commissioner Adelstein, Kathleen Abernathy, KM KJMWEB. Michael Copps, Mike Powell
Date: 2/19/03 10:56PM
Subject: 2/20 HEARING: PLEASE READ!!!Fwd: (no subject)

To the Chairpersons of the FCC:

Please read the forwarded message and I urge you to consider my point of view along with thousands of others before you make your decision.

Sincerely,

Scott Abel

CC: saabel3@aol.com

From: saabel3@aol.com
TO: Commissioner Adelstein, Kathleen Abernathy; KM KJMWEB; Michael Copps; Mike Powell
cc:
Subject: (no subject)

Dear Chairmen,

I am a telecom employee that was laid off due to the rules and regulations that were set forth by my government. I would hope that when you make your ruling that decides whether I and everyone else affected by you that you would take into consideration that my livelihood depends on your ruling on 2/20/03. Don't get me wrong, I agree with competition, but why would you let companies come in and give them a free ride based on an infrastructure that was built by myself and other employees with the resources provided by my employer. Verizon. **It's** just not fair, they don't have to go out there and replace the copper or fiber lines, we do!! If you are going to let them do that then they should have to pay for the maintenance

Please! When you make your ruling all I ask is that you remember the people who aren't represented by lobbyists, influence. and especially money (actually, **what's** the difference?)! Please remember that even though there are people who have basically bought and paid for this decision and expect it to be in their favor. there are a lot more people who are depending on **YOU** to make the most fair and the best decision for the working American people and their families, along with the people who expect the kind of service that they think that their money is paying for.

Please make the decision that's right and fair. In this case, when America is losing jobs left and right and you alone have the power to save tens of thousands of jobs I think that you have a responsibility to save American jobs

Thank you for listening,
Scott Abel

From: The Broadways
To: Michael Copps
Date: 2/20/03 12:05AM
Subject: Line Sharing

Mr Copps

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

Olin Broadway
Concerned CLEC Broadband Customer

From: Meredith Arlo
To: Commissioner Adelstein
Date: 2/20/03 12:31PM
Subject: <No Subject>

Meredith Arlo

Marketing Representative

AccessOne



February 20th, 2003

Dear Commissioner Jonathan Adelstein:

Thank you for 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 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,

Meredith Arlo
Access One Incorporated

From: Jim Harper
To: Commissioner Adelstein
Date: 2/20/03 1:19PM
Subject: Telecommunications competition

I am writing as a shareowner of a Bell Operating Company that resents the FCC Commissioners mandating that I subsidize so called competitors with discounts to use bell facilities. Most of them have not even attempted to build their own facilities in the the seven years since 1996. Most take the money and run and then stiff their creditors by going bankrupt numerous times.

Please consider this view point when you vote.

J. Harper
St LOUIS

From: nobody@infoserver.fcc.gov
To: Commissioner Adelstein
Date: 2/20/03 6:13PM
Subject: <No Subject>

James Coover () writes:

Thanks to your vote today on the new Telcom UNE rules I will be losing my Job. You had a chance to promote growth and level the playing field and put this country back to work.

Thanks,

James Coover
4626 Brooklawn Dr.
New Palestine In. 46163

Server protocol: HTTP/1.0
Remote host: 144.160.1.81
Remote IP address: 144.160.1.81

From: Mykol Williams
To: Commissioner Adelstein
Date: 2/20/03 6:34PM
Subject: FCC

Today's decision regarding local competition is disappointing because it refuses to acknowledge the new world of telecommunications that has evolved since the 1996 legislation. Local competition now comes in the form not only of wireline service, but also from cell phones, the Internet, cable telephony and more.

Instead of acknowledging this new reality and freeing telecom companies to invest and bring new services to consumers, today's decision preserves the status quo of lost jobs, corporate subsidies, illegal rules and diminished investment. It is a loss for American consumers, telecom employees and advocates of real reform

This decision allows the giant long distance companies to continue cherry picking the highest margin customer without providing any benefits to the average consumer. They are exploiting the rules to squeeze revenues out of the system in support of their failed business models.

Rather than reform the rules to provide an economic stimulus to the entire industry, the FCC has chosen to continue guaranteeing profits to the long distance companies without requiring them to invest anything in the local phone networks.

The new rules governing local competition appear to fly in the face of previous orders by the United States Supreme Court and the U.S. Court of Appeals.

The FCC's broadband decision shows that the Commission understands the need for a national policy that preserves the economic rationale for companies making big investments in technology. It is anyone's guess why the FCC does not apply the same logic to local phone service.

What are your thoughts and intentions in regards to this matter?

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From: MCGAW-GREEN, PAMELA (SBCSI)
To: Commissioner Adelstein, KM KJMWEB, Michael Copps, Kathleen Abernathy, Mike Powell
Date: 2/20/03 6:44PM
Subject: Today's ruling

FCC Commissioners:

I would like to express my deep dissatisfaction and concern with the today's decision that allows long distance carriers to continue to rape the incumbent phone companies. I just have to shake my head every time I think that some of you would actually be in favor of this. It is laughable to think you refer to this as competition. Unfair competition, yes!

Maybe you have already seen this letter before. It was written to a newspaper in Dallas. Please explain to me the difference between what is in the letter below and what is happening to the incumbent telephone companies.

Dear Sir,

I have a great idea to "promote" competition within the Postal system. After reading so many complaints about the price of stamps, poor service, etc, from the USPS. I believe that I can do it better. I can reduce the cost of a stamp to 30 cents, ensure that my customers have a priority over existing USPS customers, and receive payments from the USPS whenever the mail for my customers is late, damaged, or delivered to the wrong address. You see, I will just lobby for the FCC and various legislative bodies of the US and State governments that continue to uphold UNE-P as it applies to telecommunications to oversee the USPS as well. I will receive postage stamps for 16 cents and resell them for 30 cents. I will use the USPS mail trucks, sorting facilities, mail carriers, planes, post office boxes, post office's, etc, which the USPS will pay to maintain, to deliver my mail. I will require the USPS to deliver to my customers FIRST, and require the USPS to pay me whenever the mail is late to these customers. If the Postmaster General makes any noise about correcting this situation, I will run damaging radio, TV and magazine ads disparaging the USPS service. financial status and employees. I even thought of a name for this company, Mail Carriers Inc.

But I will be saving as much money as possible during these boom times, for I know, as any other fool can see, that the USPS would only be able to carry this burden for so long, before going under. And the where would I be? Well, It wouldn't be my fault, now, would it? It was the USPS that went under, not I. Maybe congress could bail ME out.

I know how sarcastic this sounds, but as I examine the UNE-P regulations that force the Baby Bells to resale their lines at a loss, I wonder just how long it will take to completely destroy the infrastructure that has cost the Bells so much to develop over the years. I think people take for granted that tone they hear when they pick up the phone, and just how much work and pride had been taken to get that tone there.

I sure hope that both the public's and the government's attitude's change on this, before it's too late.

James Warwick
Garland, Texas

> Pam McGaw-Green
1303 Muleshoe Pass

San Antonio, TX 78258
210-481-1585

From: Rubin, Mark
To: Commissioner Adelstein
Date: 2/20/03 6:59PM
Subject: Argus Leader - Business (2).htm

Congrats on surviving today's UNE-P battle Thought this story would interest you

Mark

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Cutting the cord

Jay Kirschenmann
Argus Leader

published: 2/16/2003

300,000 in S. Dakota have gone wireless

Realtor Julie Job was waiting for her plane in the Denver airport when a potential client in Sioux Falls called her cell phone.

In search of a home on a Saturday afternoon, the couple called her number from the "For Sale" sign in the front yard. Job let them know she could show the house at 4:30 p.m. that same day, when she returned.

"(The cell phone) has completely changed the way I do business," said Job, who has sold homes for **21** years.

She is one of about 300,000 people in South Dakota who have cell phones, according to FCC records.

Job, who is rarely at her desk, is among 53 percent of the U.S. population who subscribe to **wireless** services, according to a Market Metrics service survey released last week.

Farmer Don Woldt of Wentworth said the chemical company he does business with offered cell phones in the 1980s, and he's been hooked ever since.

"I think they're a great invention," Woldt said. Before that, farmers often were isolated while working in the field. Today he sells grain, buys fertilizer and takes care of business while driving his tractor down the rows.

"There's not much traffic to worry about out in the field, either," he said with a **chuckle**

Cell phone companies scramble to put up towers and improve coverage areas as people demand more from their phones, said Verizon Wireless spokeswoman Karen Smith. The Sioux Falls Verizon store is the No. 1 performing store in the five-state area, she said.

One of the several major wireless phone providers in the nation, Verizon Wireless alone added 964,000

new customers in the fourth quarter of 2002. That's 34.8 percent better than the fourth quarter 2001. The company is the largest voice and data carrier, with 32.5 million customers nationally, Smith said.

"We invested \$14.7 million in our network in South Dakota last year, adding four new cell sites and doing 10 digital conversions (analog to digital)," Smith said. "Two of the new cell sites are in Sioux Falls, all part of our company's annual \$4 billion national network investment."

Most growth is coming from families adding lines and use by teenagers. In the United States, 32 million teenagers ages 12-19 spend \$172 billion annually on cell phones, according to Teen Research Unlimited. Members of the age group also were the early adopters of text messaging and games. The most popular games to date are Tiger Woods Golf, Lord of the Rings, JAMDAT Bowling and Solitaire, according to the research company.

Downloadable ring-tones also are popular. When Verizon launched the "Get It Now" site in June 2002, 15 downloads were offered. There are now more than 70 applications available.

Whohasphones?

An average 53 percent of people across the nation now have mobile phone service, according to Market Metrics service, which performs continuous tracking of activity on all major cellular and PCS networks in 44 major U.S. markets.

Individual market penetration rates showed a lot of variation by market, ranging from a low of 45 percent to a high of 71 percent.

The markets with the highest penetration rates were Greenville, S.C. (71 percent), St. Louis (69 percent), Raleigh, N.C. (65 percent), Orlando (65 percent), Atlanta (64 percent), Washington (64 percent) and Boston (63 percent).

While the mobile industry continues to attract new first-time subscribers of all ages, future industry growth will be increasingly driven by the effectiveness of marketing programs targeting the young adult (18 to 24 years of age) and Hispanic segments, according to the Telephia Attitude and Behavior Survey, performed jointly by Telephia and Harris Interactive.

"The most important question for the industry is not whether growth will continue but rather how to best market to the many who are ready to come on board and convince those who aren't quite there yet," said Mick Mullagh, president and chief executive officer of Telephia.

Telephia is a leader in performance information for the mobile industry. Based in San Francisco, Telephia is a privately held company.

"We will see an increased focus on segment-specific marketing this year as operators pursue strategic growth segments and build an even greater awareness of the tangible benefits of voice and data communications," Mullagh said.

Consumer Reports recently released information showing that in the past two years, the number of wireless subscribers has grown 40 percent, to 123 million. People talked for nearly 200 billion minutes in the first six months of last year, the report said.

People want the convenience a cell phone offers and are willing to forgive often-mediocre service.

Bigger changes ahead

With development of text messaging, e-mail and PC file transmissions, gaming, photography and other multi-media options, the wireless industry continues to change how people live and work.

Watch for more text messaging, said Travis Larson, spokesman for the Cellular Telecommunications and Internet Association.

"Messaging has exploded in the last year and a half," he said. For 30 days in June 2001, CTIA reports 30 million messages sent, compared with June 2002, when more than 1 billion messages were sent, he said.

Americans are getting better at "thumb typing," Larson said, quickly banging out text using the letters on the numeric keypad: One tap on the "2" key creates an "A," twice is a "B" and three times for "C."

The Japanese have a head start on the technique. A recent cell-phone typing competition in Tokyo attracted nearly 300 contestants, who typed a tongue twister 12 characters long then sent to a designated e-mail address

The winner's e-mail was received in just eight seconds. Taking transmission time into account, that's equivalent of typing 100 characters per minute.

According to one estimate, there are at least 1.5 million people in Japan who can type on their cell phones, with *two* thumbs, at speeds like that.

Functions now are moving beyond text messaging.

"Years ago, voice mail was the big new consumer service, two years ago text messaging was catching on, and now we're seeing photos and downloadable games using the color screens, and other downloads such as music and hundreds of different rings." Larson said.

"Cell phones are becoming miniature computers," he said

Cutting the wire

Industry figures show that about 7 million people nationwide have not hooked up a traditional home telephone

And rural areas like South Dakota have embraced wireless communications, said Cellular One spokeswoman Linda Mills.

Local telephone companies are offering smaller local calling areas, while wireless rate plans have become more affordable and competitive, she said.

"More and more, Western Wireless (Cellular One's owner) is seeing itself competing directly with local telephone companies," Mills said.

A Western Wireless survey found that in the rural Midwest, half of the people responding said their wireless phone has become more important to them, and their land-line phone has become less important.

Fifty-one percent said wireless service has replaced some or a large percentage of their home land-line service, and **48** percent reported that wireless service has replaced 90 percent or more of their land-line long distance.

According to the survey, nearly a quarter reported that they consider their wireless phone to **be** their primary phone, and two-thirds reported that they have friends or family members who they contact primarily on their wireless phone.

Social changes

But the boom in business is creating other problems

Automobile accidents have increased as people fumble with phones while driving. Statistics vary depending on who does the survey, but evidence suggests that it's the mental drain of the cell phone conversation and not simply holding or operating the cell phone that impairs driving skills.

There's also a disposal problem looming as consumers upgrade from analog to digital phones and buy newer models that offer more functions.

Cell phones contain toxic substances such as copper, lithium, cadmium, zinc, nickel, arsenic and lead - all associated with cancer and a range of reproductive, neurological and developmental disorders.

U.S. landfill regulations prevent most nasty chemicals from seeping into groundwater and soil. But the brominated flame retardants used in the plastic components of mobile phones still can pollute groundwater and soil, something that is already happening in China.

In the United States alone

130 million mobile phones will be tossed out in the next three years as people upgrade to versions that offer all the new features, according to a new report by the New York-based INFORM, an independent research organization that examines the effects of business practices on the environment and on human health.

"Because these devices are so small, their environmental impacts might appear to be minimal," said Bette Fishbein, the author of the INFORM report, *Waste in the Wireless World*.

Putting the device next to your head could be dangerous, too, some studies say.

But the study results vary widely, with no clear-cut answers regarding the health dangers due to radiation from cell phones.

Ultimately, it is the phone users themselves, whether they know it or not, who are conducting the long-term use research.

Reach business reporter Jay Kirschenmann at 331-2312 or via e-mail at jkirsch@argusleader.com

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