

JAN 18 1985

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

CC  
FCC 85-21  
35488

In the Matter of )  
 )  
MIS and WATS Market Structure, )  
Phase III: )  
 )  
Establishment of Physical )  
Connections and Through )  
Routes among Carriers; )  
 )  
Establishment of Physical )  
Connections by Carriers )  
with Non-Carrier )  
Communications Facilities; )  
 )  
Planning among Carriers )  
for Provision of Inter- )  
connected Services, and )  
Emergency Communications )  
Services; and )  
 )  
Regulations for and in )  
Connection with the )  
Foregoing )

CC Docket No. 78-72,  
Phase III

**MEMORANDUM OPINION AND ORDER**

Adopted: January 15, 1985

Released: January 17, 1985

By the Commission:

**I. INTRODUCTION**

1. Lexitel Corporation (Lexitel), on August 2, 1984, filed a petition with this Commission asking us to establish and chair a forum for resolving certain problems it claims to have encountered in seeking to obtain equal access interconnection with the facilities of various local exchange carriers (ECs). The Lexitel petition was joined by Teltec Savings Communications Co. (Teltec) in a separate August 2, 1984 filing, and by Allnet Communications Services, Inc. (Allnet), in an August 6, 1984 filing.

Teltec and Allnet, which—like Lexitel—are IXCs, <sup>1</sup> generally concurred with the complaints cited by Lexitel, and with its proposed remedy.

2. On August 13, 1964, we released a Public Notice summarizing the issues raised by the petitioners and establishing a pleading cycle so that interested parties could comment on these issues and the proposed remedies. Nineteen parties filed comments, and 16 filed reply comments.<sup>2</sup>

3. In this Order, we find that while there may be instances in which a forum for the resolution of equal access interconnection problems would prove desirable, the specific approach proposed by petitioners has certain inadequacies. We endorse, instead, the forum approach recommended by the Exchange Carriers Standards Association (ECSA) and direct ECSA to submit to this Commission within 30 days of the release of this Order a detailed plan for implementing its proposal, which should include a clarification of certain issues related to the proposed operations of the forum approach it has recommended.

## II. BACKGROUND

4. The petitioners assert that in attempting to obtain equal access interconnection, they have encountered the following problems, inter alia :

- (1) Some ECs refuse to allow pre-cutover testing of the interaction of end office software with that of an IXC.
- (2) The facilities ordering process varies from EC to EC—causing delays in the implementation of network-wide IXC interconnection to EC facilities.
- (3) Some ECs have abandoned balloting procedures with regard to presubscription implementation. In such cases, IXCs must often

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<sup>1</sup> In this Order, "IXC" will denote interexchange carriers generically, including AT&T, other facilities based carriers, and resellers. "OCC", will denote interexchange carriers, except AT&T, including facilities-based carriers and resellers.

<sup>2</sup> Comments were filed by: the Exchange Carrier Standards Association; the seven Bell Regional Holding Companies (RHCs); several independent exchange carriers; MCI; SBS; GTE Service Corp. (on behalf of the IXC, GTE Sprint); several reseller OCCs; and ARINC (filing as a user group). A list of the parties filing comments and reply comments is attached as Appendix A.

pay exorbitant prices for customer lists in order to reach potential customers during the initial, presubscription period.

(4) IXCs must order EC facilities by circuit count (rather than by minutes of use), but the ECs do not provide the appropriate traffic tables from which these determinations can be made.

(5) Where there are shortages of exchange facilities, ECs are using allocation procedures based upon the quantity of circuits ordered, which is unfair and inefficient since it promotes over-ordering of facilities.

(6) Billing and collection procedures are erratic; as a result unrequested disconnects are being encountered.

(7) Access tandems are often not available at the time the end offices are converted.

#### B. The Lexitel Proposal

5. In order to resolve complaints such as those cited above, Lexitel proposes that the Commission convene and chair a series of monthly Docket No. 20099-type proceedings.<sup>3</sup> The purpose of the meetings would be to surface complaints in an industry-wide forum and then to resolve them. The features of the Lexitel proposal, which are generally concurred in by Allnet and Teltec, are:

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<sup>3</sup> By Memorandum Opinion and Order released July 5, 1974, we initiated the Docket No. 20099 proceeding, which was: "a formal investigation and hearing on the substantive provisions of all of the Bell System's tariffs offering entrance, intercity and local distribution facilities for other carriers...." 47 FCC 2d 662. A major purpose of that proceeding was to determine whether certain provisions of the various Bell Operating Company (BOC) tariffs were unduly impeding the efforts of the OCCs to interconnect with the private line local distribution facilities of the BOCs. Subsequent to the release of that Order, but prior to the commencement of the formal pleading cycle, we convened a series of meetings between AT&T and the OCCs to attempt to resolve, by agreements between the parties, as many issues as possible. Thereafter, by Memorandum Opinion and Order released May 7, 1975, we accepted the parties' settlement, but authorized continuing meetings under the Commission's aegis for the resolution of technical and administrative disputes that might arise. 52 FCC 2d 727.

(1) An IXC with an operational, technical, or physical interconnection problem would notify the relevant EC, the Commission, and any interested party, in writing, of a specific complaint. This complaint should "provide sufficient information to permit meaningful analysis and resolution of the problem by the exchange carrier, or the Commission if necessary."<sup>4</sup>

(2) The ECs and the other parties would have one week in which to respond.

(3) The Commission would schedule and chair monthly meetings of interested parties to resolve matters raised in the IXC complaints.

(4) If the matter could not be resolved in such a meeting, the Common Carrier Bureau (the "Bureau") would resolve the dispute, under delegated authority, within 30 days.

### C. Positions of Parties

#### 1. Comments

##### (a) ECSA

6. The ECSA is a trade association of exchange carriers formed to address technical and related matters affecting interconnection of services and equipment with exchange facilities. ECSA acknowledges that some of the problems cited by petitioners could occur, but does not agree that they exist to the extent the petitioners allege. ECSA also disagrees that such matters should be resolved in a general forum operating under FCC auspices. Rather, ECSA has proposed an alternative to the Docket No. 20099-type forum, which would follow these principles:

(1) Where possible, conflicts between an IXC and an individual EC should be resolved in one-to-one negotiations.

(2) Matters of a more general concern, i.e. those involving EC/IXC relationships that occur on a nationwide basis, should be resolved in either of two forums conducted under the sponsorship of ECSA.

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<sup>4</sup> Lexitel does not state whether it is entertaining the possibility that the dispute could be resolved at this stage of the process without any further formal meetings.

(3) Any FCC presence should be limited to that of an observer and discussant.

7. More specifically, ECSA has proposed:

(1) Governing Body: A Carrier Liaison Committee (CLC), composed of representatives from the ECs, IXCs, users, and the FCC would be established. The CLC would sponsor and conduct industry forums in which specific problems would be resolved on a voluntary basis.

(2) Use of Existing Exchange Carrier Forums: IXC/EC disputes would be addressed in the following two existing BOC forums, which, ECSA claims, are already addressing many of the types of problems that Lexitel would seek to have addressed in a Docket No. 20099-type meeting:

(i) Network Operations Forum (NOF)--a forum for resolving so-called provisioning problems (i.e., installation, repair, and maintenance).

(ii) Interexchange Customer Service Center (ICSC)--a forum for resolving exchange access ordering problems.

(3) Role of CLC: The CLC, in an administrative role, would coordinate and structure the activities of the NOF and ICSC to resolve the types of problems that are of concern to Lexitel.

(4) Subject Matter of Forums: The subject matter of disputes referred to these forums would be limited to these categories: ordering, installation, repair, and maintenance. In addition, the matters should be nationwide in scope, rather than limited to a particular EC. The latter types of problems would be resolved bilaterally.

(5) CLC Procedural Approach:<sup>5</sup> Upon receiving written notice from an IXC, the CLC would decide whether the matter meets the subject matter criteria of (4) above and, if so, whether the matter should appear on either the NOF or ICSC agenda. If the

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<sup>5</sup> The specifics of the roles of the of the various participants in the deliberations of the CLC, NOF, and ICSC (i.e., whether as voter, discussant, or observer) have not been stated by ECSA. ECSA proposes that these be developed by the parties during the start-up phase of its proposed program.

matter does not meet the criteria, the item would presumably not be placed on either agenda, and the OCC would be so informed with the recommendation that resolution be sought with the individual EC on a one-to-one basis.

(b) RHCs

8. The RHCs generally prefer that disputes be settled in individual EC/IXC negotiations rather than in the meetings proposed by ECSA. Some RHCs tentatively endorse the ECSA proposal, while others essentially ignore the proposal. More specifically, the RHCs variously argue:

(1) The allegations of the petitioners are undocumented.<sup>6</sup>

(2) FCC intervention is not needed to motivate the BOCs to provide equal access expeditiously. It is in the economic interest of the BOCs to solve any equal access implementation problems in order to increase revenues and avoid bypass.<sup>7</sup>

(3) Individual IXC-EC negotiations (without FCC participation) are preferable to resolve whatever problems may exist.<sup>8</sup>

(4) The forum approach of the ECSA proposal should be entertained only as a last resort--when one-to-one negotiations break down. Even in those circumstances, subject matter should be restricted to matters of nationwide significance.<sup>9</sup>

(5) Existing carrier-sponsored forums are adequate, i.e. the Interexchange Carrier Compatibility Forum (ICCF); NOF; ICSC; and the ECSA-sponsored T-1 subcommittee of ANSI (American National Standards Institute). With regard to T-1, its M-1 sub-committee specifically addresses inter network operations, provisioning, and maintenance.<sup>10</sup>

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6 In support of this statement, Bell South has submitted appendices to its comments which, its claims, document existing procedures for providing the type of support Lexitel claims it is not receiving.

7 See Comments of Bell Atlantic, Bell South, PacTel, and U.S. West.

8 See Comments of Bell Atlantic, Bell South, PacTel, Southwest Bell, and U.S. West.

9 See Comments of Bell South, NYNEX, and Southwest Bell. U.S. West and Bell Atlantic do not accept the forum approach even as a last resort.

(6) The California Public Utilities Commission (CPUC) already has implemented an Access Service Liaison Committee, chaired by the CPUC, with an EC and IXC membership.<sup>11</sup>

(7) Many issues are not nationwide in scope. It is inappropriate to force their resolution into a forum with a nationwide membership.<sup>12</sup>

(8) Most of the various Lexitel complaints are related to the Modification of Final Judgment (MFJ), which provides for the reorganization of AT&T, and should be resolved by the Department of Justice and the District Court administering the decree and not the FCC.<sup>13</sup>

(c) AT&T

9. AT&T's position is similar to that of the RHCs. It does not explicitly support the ECSA proposal, but does agree that industry-initiated forums such as the ECSA/ANSI T-1 committee and the ICCF are adequate. Further, AT&T urges, these committees should be used only as a last resort—when individual negotiations breakdown—and only if the matters are nationwide in scope rather than EC-specific.

(d) Other OCCs and ARINC

10. Except for MCI, the OCCs concur with most aspects of the Lexitel proposal.<sup>14</sup> Problems related to facilities ordering and

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10. See Comments of Bell Atlantic, NYNEX, PacTel, and Southwest Bell. The T-1 Committee of ANSI, which is sponsored by ECSA, is concerned with the general area of defining the technical characteristics of the electrical and physical interfaces between the facilities of the IXCs and ECs. Its M-1 subcommittee specifically addresses the future planning of the quantitative technical standards that apply to provisioning and maintenance. The subject matter of the M-1 subcommittee thus is similar in substance to, but different in emphasis from, that of the NOF, which has a day-to-day operational orientation. The ICCF is a BOC forum for resolving technical compatibility problems arising between ECs and IXCs.

11 See PacTel Comments

12 Id.

13 See NYNEX Comments

presubscription seemed to be of most general concern. GTE Service Corp., while it essentially supports the Lexitel proposal, suggests several modifications.<sup>15</sup> MCI, on the other hand, rejects both the Lexitel and the ECSA proposals because they each entail a national forum procedure. MCI argues that only individual negotiations are appropriate. ARINC, filing as a telecommunications user, supports the Lexitel proposal.

## 2. Reply Comments

11. The reply comments generally follow the positions taken in the comments with two significant exceptions. U.S. West and Bell Atlantic have changed their non-committal posture with regard to the ECSA proposal to one of explicit opposition.<sup>16</sup> Lexitel, on the other hand, has at least temporarily retreated from the proposal of its petition and given tentative assent to the ECSA approach.<sup>17</sup>

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14 See Comments of ALLTEL, SBS, GTE, U.S. Telephone, Inc., Telesphere Network, Inc.

15 The modifications are:

(1) The EC and IXC should first attempt to resolve a dispute in individual negotiations.

(2) If the dispute is not resolved in such negotiations, the matter would be submitted to an industry forum for resolution by mutual agreement. Subject matter should be limited to problems that are nationwide in scope, e.g., (a) uniform presubscription formats; (b) software compatibility between EC and IXC switching equipment.

(3) If the forum cannot effectively address the subject matter of the contention, it would set up a task force to develop a recommended solution.

(4) If neither step (2) nor (3) provides a resolution, the matter would be referred to the Bureau for resolution within 30 days.

16 They thus join the position of MCI, which continues to oppose the forum approaches of petitioners, GTE, and ECSA.

17 The remaining petitioners, Allnet and Teltec, continue their support of the original proposal.

12. Lexitel indicates that it would be willing to have ECSA set up its CLC and other proposed arrangements, in order to give the ECSA proposal a trial. Lexitel states that it believes the ECSA proposal to be "a good faith effort by the exchange carriers to address the problems raised by the Petitions" and "urges ECSA to immediately establish the structure proposed in its Comments, so that interexchange carriers experiencing problems can afford the proposed Carrier Liaison Committee the opportunity to demonstrate its capability as a problem-resolution forum."<sup>18</sup> In addition, Lexitel:

- (1) agrees that individual negotiations should precede the process of placing a complaint on the agenda of one of the ECSA committees (NOF and ICSC);
- (2) agrees that only national issues should be on the CLC agenda, but asks that an attempt be made to define the dividing line between national issues and regional or individual issues;
- (3) warns that the ECSA forums must be capable of rendering timely decisions; and
- (4) urges that the FCC require monthly status reports from ECSA, and be allowed to intervene (presumably in the manner originally proposed by Lexitel), should the ECSA process prove to be ineffective.

### III. DISCUSSION

13. In considering these petitions, we are presented with these substantive issues:

- (1) Are the petitioners' complaints valid?
- (2) If so, should they be resolved through a new mechanism that supplements conventional FCC procedures ?
- (3) If a new mechanism is desirable, what form should it take: that originally proposed by Lexitel, that of ECSA or some variation? In this regard, the following sub-issues must be considered: (a) the role of individual EC/IXC negotiations; (b) the use of existing EC committees; (c) the imposition of subject matter restrictions; and (d) the role of the FCC.

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<sup>18</sup> Lexitel Reply at 6.

### A. Validity of Complaints

14. As noted, a number of the ECs question the validity of petitioners' complaints. Thus ECs have generally claimed that: (a) petitioners have not documented their complaints; (b) operational procedures of the ECs would preclude the occurrence of some of the harms alleged by petitioners; and (c) most of the problems that do occur are specific to a given EC and not nationwide. As a consequence, the ECs claim, the remedy proposed by Lexitel is unnecessary. Nevertheless, ECSA and most of the ECs state that for the purpose of facilitating the transition to equal access they support a voluntary industry forum to address the types of complaints raised by petitioners.

15. We do not propose to address the merits of the various complaints raised by petitioners. While several ECs question the validity of those complaints, petitioners are not asking us to rule in their favor on any specific dispute, but to establish a forum in which such disputes may be resolved without the need for a formal Commission decision. Neither a grant nor a denial of such a request involves a decision on the merits of the underlying complaints. And in particular, the action we take today, denial of the petitions but endorsement of the alternative mechanism proposed by ECSA (see *infra* paras. 29, 30), does not require us to address, and should not be interpreted as an expression of any view on, the validity of those complaints.<sup>19</sup>

### B. Mechanism for Resolution of Complaints

16. Several alternatives for resolving the complaints of petitioners already exist: (a) individual negotiations between an IXC and a given EC; (b) existing EC and BellCore committees such as ICSC, NOF, and ICCF; and (c) existing FCC complaint handling mechanisms. Most of the

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<sup>19</sup> We have decided not to require petitioners, and the other parties, to submit further pleadings in order to determine with greater certainty the existence and pervasiveness of the alleged problems. We choose not to take this course because a further round of pleadings in this proceeding would unduly delay the development of a potentially effective dispute resolution mechanism and the actual resolution of IXC complaints, thereby hindering the implementation of equal access and full competition. If, as they allege, some IXCs are experiencing difficulties in the transition to equal access as the result of certain EC actions (or lack of action), there will be ample opportunity to establish the validity of the complaints and seek a remedy for them under the procedures described herein.

parties agree, nevertheless, that a new mechanism could effectively supplement these and result in a more expeditious implementation of equal access.

17. It is evident that the problems described by petitioners could cause significant delays in the transition to an equal access environment and could compromise the quality of service provided by OCCs to their customers. Since we cannot, on the basis of the current record, precisely assess the frequency of occurrence of such problems or their geographical pervasiveness, it is difficult to assess the efficacy of existing complaint resolution procedures. It is evident from that record, however, that many ECs and OCCs are willing to participate in some type of forum, although there is some disagreement among the parties as to this Commission's role therein.

18. The parties supporting the ECSA proposal have agreed to institute expeditiously a mechanism for promoting the voluntary resolution of such problems that does not require our participation during the formative, pre-operational phase. During the operational phase, where the agenda items appearing before the NOF and the ICSC would be resolved on a voluntary basis, our participation (if any) would be that of observer. Similar participation in the meetings of the CLC, which sets the NOF and ICSC agendas, has also been recommended by ECSA. We find that it is consistent with our statutory responsibilities to encourage the voluntary creation of a new mechanism that would work within the type of organizational structure proposed by ECSA.

#### C. Form of the New Mechanism

19. There are essentially two basic proposals for a new mechanism before us: the original Lexitel proposal and that of ECSA. In these proposals, the most significant items of contention reside in four areas: (a) the role of one-to-one negotiations between the EC and IXC; (b) the use of existing EC-sponsored forums rather than a Commission-directed Docket No. 20099-type proceeding; (c) the limitations, if any, to be imposed upon the subject matter of forum agendas; and (d) the role of the FCC in any new mechanism.

20. The major differences between the original Lexitel proposal (which is still supported by several parties) and the ECSA proposal are that the former: (a) does not require an attempted resolution between an IXC and a specific EC before invoking the forum procedure (ECSA would impose such a requirement); (b) requires the creation of a new general forum to resolve disputes (ECSA would use existing, more specialized forums); (c) has no significant subject matter limitations (ECSA has proposed such limitations); and (d) requires the Bureau to resolve disputes within 30 days should an impasse be reached (ECSA would not use the Bureau to resolve impasses). In comparing the original Lexitel proposal with that of ECSA, we are of the

view that the latter has certain significant advantages for the following reasons.

(1) Prior Individual Negotiations

21. The Lexitel proposal does not make the failure of prior individual negotiations between the EC and the IXC a condition precedent for placing a complaint on the forum agenda. Given the broad spectrum of complaints cited by petitioners, and by other parties to this proceeding, we believe that the prompt resolution of complaints would be seriously impeded if the screening process of prior negotiations were bypassed. Such negotiations could lead to a complete resolution of a dispute, or at least a partial resolution, thereby narrowing the range of issues to be addressed in the forum process. We agree with ECSA that this should be a prerequisite to invoking the forum procedure.

(2) Use of Existing Committees

22. We believe that a general forum, such as that proposed by Lexitel, is not as efficacious as the two specialized forums, NOF and ICSC, proposed by ECSA. Since the majority of interconnection problems appear to lie within the subject matter addressed by these groups, such specialization should result in a more efficient resolution process--particularly if complaints have been subjected to a prior process of individual negotiations.

(3) Subject Matter Limitations

23. In the original Lexitel proposal, there were not any restrictions on the subject matter of the Docket No. 20099-type forum. In their comments, ECSA, GTE Service Co., and several ECs recommended that a forum composed of a multiplicity of ECs, IXCs, and users not be used to address complaints that are unique to one EC. The forum should, instead, be limited to matters that are national in scope--such as procedures for facilities ordering. ECSA has further proposed that the forum only consider disputes involving ordering, installation, repair, and maintenance. Specifically excluded by ECSA, and by other parties, are matters related to the pricing of services, whether they be tariffed or not.

24. As a means of promoting the expeditious resolution of complaints, the specific subject matter limitations proposed by ECSA appear sensible. It is not clear at this time, however, whether one can conveniently draw a boundary between a "national" and a "local" issue, and whether there are other subject matter areas that should be added to the four listed by ECSA. Furthermore, some EC/IXC problems that could be characterized as "regional" may be fairly significant, especially to regional IXCs. It is possible that the dispute-resolution forums proposed

by ECSA could serve a constructive role in resolving such problems. Thus, although we approve of the use of subject matter limitations in principle, we remain concerned that the specific limitations proposed by ECSA may prove to be unduly restrictive in practice. We believe, therefore, that the issue of subject matter limitations should remain open and that any limitations be subject to reexamination and redefinition.<sup>20</sup>

(4) Limited Role of FCC

25. The matter of defining the extent, if any, of FCC participation must be evaluated with regard to four different stages of the complaint resolution process. During the start-up phase, when the procedural ground rules of the new organization are being formulated, we must evaluate the possible Commission role as observer, discussant, voting participant, or adjudicator. During the operational phase, when the various procedures have been established, and the various committees staffed, we must consider which of these several roles is appropriate in the following cases: (a) when a complaint is being evaluated by the CLC for placement on a forum agenda; (b) when an item is being considered in a forum; and (c) when an impasse is reached.

26. In striking a balance between minimizing our regulatory presence in matters that are better resolved within the private sector and, at the same time, promoting our statutory objectives, our staff shall participate only as an observer, in the start-up phase, and in the subsequent meetings of the CLC. The CLC will determine which items will appear on either the NOF or ICSC agendas, and which items will be rejected for consideration because they do not meet the criteria pertaining to national interest and subject matter. By participating, albeit in a limited fashion, in these meetings, our staff can help ensure that the agenda setting process will provide the OCCs with a full opportunity to surface their legitimate complaints. Furthermore, this level of participation is consistent with the ECSA proposal for Commission involvement.

27. Our staff will not participate in the actual complaint resolution process, which will be implemented in the working meetings of the NOF and ICSC. If the forum process results in a significant number of impasse situations, however, the value of continuing with the forum would be open to question. We shall adopt the suggestion of Lexitel that we monitor the functioning of the proposed forum process to see that the OCCs

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<sup>20</sup> As an initial matter ECSA should address these concerns in its implementation plan. See, *infra* para. 30.

are indeed obtaining a fair hearing on their complaints and that the forum process is facilitating equal access interconnection. We shall require that the Chief, Common Carrier Bureau be provided with detailed minutes of the proceedings of the CLC, NOF, and ICSC, by the chairpersons of those bodies, on a monthly basis. If actual experience indicates that the process is not working well, we shall consider whether a different approach should be adopted.

28. With respect to impasse situations, we do not presently intend our staff to become an arbitrator of last resort during either the meetings of the CLC or those of the NOF and ICSC; nor shall we adopt the proposal of petitioners that impasse situations be resolved within 30 days by the Bureau on delegated authority. If, during the time that we are evaluating the efficacy of the forum process under actual working conditions, an IXC should be of the view that the conduct of an EC amounts to a violation of the Communications Act of 1934 as amended, our rules, or applicable tariff provisions, and our existing complaint resolution processes under Section 208 of the Communications Act provide an avenue for redress. In other situations, IXCs can petition us for declaratory rulings, rules changes, or other remedies.

### III. CONCLUSIONS

29. We endorse most aspects of the ECSA approach subject to these conditions:

(1) Clarification should be made of the manner in which the members of the Carrier Liaison Committee (CLC) participate in the determination of whether a complaint is sufficiently national in scope to be placed upon a forum agenda and whether the complaint, if accepted, belongs on the agenda of the ICSC or the NOF.

(2) An attempt should be made, during the start-up phase, to define permissible subject matter more rigorously. We are particularly concerned with: (a) the manner in which the distinction between national and local issues is drawn; and (b) whether the permissible subject matter categories proposed by ECSA (ordering and installation, repair, and maintenance) are too restrictive and should, therefore, be broadened.

(3) We will monitor the effectiveness of the ECSA processes and, if necessary, we reserve the right to reconsider the extent of Commission participation and our endorsement of these processes.

(4) Minutes of the proceedings of the CLC, and of any other working committees (such as the NOF and the ICSC) shall be transmitted in written form to the Commission on a monthly basis.

In order that the response of ECSA to the concerns which we have identified above be made a part of the public record, we accordingly direct ECSA to file with this Commission, as soon as is practical, a detailed plan for implementing its proposes.

#### IV. ORDERING CLAUSES

30. IT IS ORDERED That ECSA shall prepare a detailed plan for the implementation of its proposed Carrier Liaison Committee. This plan shall address the concerns stated herein and shall be submitted to this Commission as soon as is practical.

31. IT IS FURTHER ORDERED That copies of the ECSA plan shall be served on all parties participating in this proceeding.

32. IT IS FURTHER ORDERED that minutes of the proceedings of the CLC and its subcommittees be transmitted to the Commission on a monthly basis.

33. IT IS FURTHER ORDERED that the petition of Lexitel Corporation is denied.

34. IT IS FURTHER ORDERED That the Secretary shall cause this Order to be published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico  
Secretary

APPENDIX A

PARTIES FILING PLEADINGS

	<u>Comments</u>	<u>Reply Comments</u>
Aeronautical Radio, Inc.	x	x
AT&T	x	x
Ameritech	x	no
Allnet	no	x
ALTEL	x	x
Bell Atlantic	x	x
Bell South	x	no
Centel	no	x
Exchange Carriers Standards Ass'n.	x	x
GTE Service Corporation	x	x
Lexitel	no	x
MCI	x	no
Mid Rivers Telephone Cooperative, Inc.	x	no
Mountain States; Northwest Bell; Pacific Northwest Bell (U.S. West)	x	x
MTA	x	x
NYNEX	x	x
OEA/STCO/NICA	no	x
Pacific Bell; Nevada Bell (PacTel)	x	x
SBS	x	no
Southwest Bell	x	no
Telesphere Network, Inc.	x	no
TelTec	no	x
U.S. Telephone, Inc.	x	no
U.S. Telephone System, Inc.	x	no
USTA	no	x

<u>Town/Exchange</u>	<u>NNX's</u>	<u>Planned Equal Access Date</u>
Norwalk	838,852,853,854,855,856, 866	Dec. 1987
Norwalk North	846,847,849	Sept. 1987
Norwich	823,826,827,829	June 1987
Old Greenwich	637	Nov. 1987
Old Saybrook	388	N/S
Orange	795,799	June 1987
Pawcatuck	599	N/S
Plainfield	564	N/S
Plainville	747,793	N/S
Portland	342	N/S
Prospect	758	N/S
Putnam	928	N/S
Putnam North	923	N/S
Redding	932	Dec. 1987
Ridgefield	431,438	Sept. 1987
Rockville	871,872,875	June 1982
Salem	859	June 1987
Seymour	881,888	Dec. 1987
Sharon	364	June 1988
Simsbury	651,657	N/S
Southington	621,628	N/S
Stafford Springs	684	N/S
Stamford	324,326,348,351,356,357 358,964,965	5/17/86
Stamford	323,325,327,328,352,359, 967	5/17/86
Stamford North	322,329,968	June 1988
Stratford	375,377,378,381,385,386	Nov. 1987
Storrs	429,486,487	Jan. 1987
Suffield	668	N/S
Thomaston	283	N/S
Torrington	482,485,489,496	June 1988
Trumbull	261,268,452	June 1988
Unionville	673	Sept. 1987
Wallingford	265,269,284	Aug. 1987
Wapping	644	N/S
Washington	868	N/S
Waterbury	754,756,757	June 1988
Waterbury	573,574,575,592,597,753, 755	June 1988
Watertown	274	N/S
Westbrook	399	N/S
W. Hartford	521,561	N/S
W. Hartford	232,233,236,523	June 1987
W. Haven	932,933,934,937	June 1987
Westport	222,226,227,454	Sept. 1987
Westville	387,389,397	Aug. 1987
Wethersfield	529,563,721	June 1987
Willimantic	423	N/S
Willimantic	456	Sept. 1988

N/S = NOT SCHEDULED

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<u>Town/Exchange</u>	<u>MX's</u>	<u>Planned Equal Access Date</u>
Wilton	762,834	Sept. 1987
Windsor	285,603,688	June 1987
Windsor Locks	623,627	Sept. 1987
Winsted	379,738	N/S
Wolcott	879	N/S
Woodstock	974	Sept. 1988

N/S = NOT SCHEDULED

10/10-7410V-4

REVISED 12-5-85

EXHIBIT 3

Affidavit of David J. Curtin, SNET District  
Staff Manager-Network Architecture (with  
Attachments A-F) \*/

\*/ The original signed version of this affidavit is being sent from New Haven and will be filed under separate cover with the Commission as soon as it arrives in Washington, D.C.

AFFIDAVIT OF DAVID J. CURTIN

I, David J. Curtin, being duly deposed, state as follows:

BACKGROUND AND QUALIFICATIONS

1. I am the District Staff Manager - Network Architecture of The Southern New England Telephone Company (SNET).
2. I understand that this document is being filed with the Federal Communications Commission (Commission) in response to the Commission's Order for SNET to show cause why it should not be required to complete its equal access conversion obligations within one year of October 27, 1986.
3. I graduated from Clarkson College of Technology with a Bachelor of Science in Electrical and Computer Engineering in 1977. I then attended the University of California at Berkeley and received a Master of Science in 1978. My research there was sponsored by the Office of Naval Research. In 1978 I was hired by AT&T Long Lines and held a variety of positions in the Marketing, Engineering, and Operations Departments.
4. I began my career at SNET in 1983 and held positions in Maintenance Engineering and Network Strategic Support before being named to my current position in December 1984. I am

responsible for planning for central office switches, interoffice facilities, and operator services, and for development of technical guidelines in multiple disciplines, such as outside network facilities. These responsibilities include planning for major projects such as Enhanced 911 Emergency Service, Toll Reconfiguration, Equal Access, facilities separations from AT&T and the Common Channel Signaling Network.

### INTRODUCTION

5. Implementation of equal access, combined with the other major projects underway in Connecticut, represents one of the most extensive network undertakings in SNET's history, requiring a substantial commitment of labor and capital. For equal access alone, some form of conversion activity will be performed in 88 switching offices, including 7 access tandems.

6. Coincident with, and complementary to, the equal access conversion will be a complete toll network reconfiguration and modernization. This involves both the separation of toll facilities jointly owned with AT&T and the rearrangement of existing toll trunks, requiring work in over 120 end offices and 23 toll tandems, serving over 1.6 million access lines. The result will be the consolidation of the existing toll network configuration from 23 toll tandems (as of June 1985) to a network architecture consisting of 7 digital toll tandems. These 7 digital toll switches will also serve as the access tandems for

interconnection with the Interstate Carriers (ICs). Upon completion, approximately 80% of all access lines will be converted to equal access with a network configuration which is modern, efficient, cost-effective, and capable of carrying digital information throughout the state without any further modification to the toll network. This latter advantage allows all interconnections between ICs' Points of Presence (POPs) and SNET's access tandems to be digital facilities.

TOLL RECONFIGURATION AND MODERNIZATION

7. The toll network in Connecticut is presently undergoing a major rearrangement, consolidation, and modernization, planned during the years 1982 to 1985. The two most significant pieces of this activity are the separation of facilities jointly owned by AT&T and SNET, and the consolidation/modernization of SNET's 23 toll switches (5 digital, 10 analog, and 8 electromechanical) to 7 digital toll machines all interconnected by fiber optics.

8. Consistent with AT&T's obligations under the MFJ to separate facilities used for both interexchange and exchange activities and to transfer to the RBOCs those facilities associated with exchange activities, AT&T entered into a facilities separation agreement with SNET. The separation agreement has numerous components. Interim POP elimination, for example, requires that SNET switches which send AT&T interstate traffic directly to an

out-of-state AT&T switch be rehomed to send these calls to an in-state AT&T POP. Also required is the transfer of SNET traffic from jointly owned microwave routes to SNET wholly-owned facilities. In addition, the two separation activities critical to the toll reconfiguration are the removal of SNET traffic from the 4A toll switch in Hartford, to be completed in June 1987, and from the #4ESS toll switch in New Haven, to be completed in December 1986. Not only will SNET be removing its seven digit Connecticut traffic from these switches, but some portion of originating ten digit interstate traffic presently carried by AT&T will ultimately have to be rehomed to an SNET toll tandem switch as well. This is necessary so that Connecticut customers who ultimately choose to presubscribe to an IC other than AT&T can be appropriately routed from an SNET access tandem to the chosen IC's POP. These facilities separations activities will take place between the first quarter of 1985 and the third quarter of 1987.

9. In addition to the separations activities with AT&T, a major reconfiguration of the toll network in Connecticut is also in progress. The work effort associated with the rearrangement of existing toll trunks, affecting over 120 switches, is scheduled to be completed in June 1988, coincident with the completion of equal access. This effort involves the consolidation of the present 23 toll switches (5 digital electronic, 10 analog electronic, and 8 electromechanical tandems) to 7 digital toll

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

CC  
FCC 85-21  
35488

In the Matter of )  
)  
MIS and WATS Market Structure, )  
Phase III: )  
)  
Establishment of Physical )  
Connections and Through )  
Routes among Carriers; )  
)  
Establishment of Physical )  
Connections by Carriers )  
)  
with Non-Carrier )  
Communications Facilities; )  
)  
Planning among Carriers )  
for Provision of Inter- )  
connected Services, and )  
Emergency Communications )  
Services; and )  
)  
Regulations for and in )  
Connection with the )  
Foregoing )

5773-103  
REGISTRATION GROUP  
201-234-8194/8155  
FEB 1 1985

CC Docket No. 78-72,  
Phase III

ERRATUM

Released: January 30, 1985

The Memorandum Opinion and Order (FCC 85-21) released in this docket on January 17, 1985, contained an incorrect submittal deadline in paragraph 3. Attached is the corrected paragraph.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico  
Secretary

Attachment

3. In this Order, we find that while there may be instances in which a forum for the resolution of equal access interconnection problems would prove desirable, the specific approach proposed by petitioner has certain inadequacies. We endorse, instead, the forum approach recommended by the Exchange Carriers Standards Association (ECSA) and direct ECSA to submit to this Commission, as soon as is practical, a detailed plan for implementing its proposal, which should include a clarification of certain issues related to the proposed operations of the forum approach it has recommended.