

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

In the Matter of)
)
)
Request of Limited Modification of) WC Docket No. 04-77
LATA Boundaries to Provide ELCS)
Between the Jackson Exchange)
and the Tyler Exchange.)

REPLY COMMENTS OF SOUTHWESTERN BELL TELEPHONE, L.P.

Southwestern Bell Telephone, L.P. d/b/a SBC Texas (“SBC”), submits the following reply comments in the above-captioned proceeding.

Fitch Affordable Telecom (“Fitch”) is wrong in its claim that “[t]he Texas Commission has ruled that ELCS is different than “traditional local service.”¹ Fitch provides no cite to any such finding by the Public Utility Commission of Texas (“TPUC”), and, in fact, there is none. SBC seeks to provide flat-rate, non-optional Expanded Local Calling Service (“ELCS”) between the Jackson and Tyler exchanges in Texas. Flat-rate, non-optional ELCS service has been characterized as “traditional local service” since the divestiture of AT&T by the United States District Court for the District of Columbia and the FCC.² Hence, SBC’s use of this term is grounded in law and Commission precedent despite Fitch’s claims to the contrary.

Fitch also claims that Texas ELCS is “anticompetitive and discriminatory and violates §§ 201(1), 251(a) and 251(b)(3) of the Act” and “usurps the FCC’s numbering authority and

¹ Comments of Fitch Affordable Telecom, p. 3 (“Fitch Comments”).

² *United States v. Western Electric Company, Inc.*, No. 82-0192, slip. op. at 4 (D.D.C May 18, 1993); See also *Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, Memorandum Opinion and Order, CC Docket No. 96-159, 12 FCC Rcd 10646 (1997).

violates the FCC's numbering rules.”³ These claims, which are groundless, have been raised in a pending Commission docket⁴ that is well underway, and should be addressed in that docket rather than in this limited proceeding involving only the Jackson and Tyler Exchanges.⁵

For the foregoing reasons, the Commission should reject Fitch's comments and grant the limited waiver for the provision of ECLS as approved by the TPUC.

Respectfully submitted,

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d/b/a SBC Texas

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³ Fitch Comments, pp. 5, 7.

⁴ *Petition of ASAP Paging, Inc. for Preemption of the Public Utility Commission of Texas Concerning Retail Rating of Local Calls to CMRS Carriers*, WC Docket 04-06.

⁵ *See* Public Utility Commission of Texas' Comments to ASAP Paging, Inc.'s Petition for Preemption, WC Docket No. 04-6, March 23, 2004.