

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

In the Matter of)	
)	
Biennial Regulatory Review of)	WC Docket No. 02-313
Regulations Administered by the)	
Wireline Competition Bureau)	
)	

REPLY COMMENTS OF MCI, INC.

Pursuant to Section 1.415 of the Rules of the Federal Communications Commission, MCI, Inc. respectfully submits these Reply Comments in response to the initial comments filed in the above-captioned matter.¹

I. INTRODUCTION

MCI limits these Reply Comments to the comments filed by Verizon and the United States Telecom Association (“USTA”). Both Verizon and USTA raise numerous issues that the Commission is already considering in other proceedings specifically designed to address those issues, or that were the subject of proceedings concluded fairly recently. For example, Verizon argues at length for, among other things, forbearance from broadband unbundling obligations

¹ Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau, WC Docket No. 02-313, *Notice of Proposed Rulemaking*, 19 FCC Rcd 764 (2004) (“*NPRM*”).

stemming from Section 271 and reformation of the TELRIC rules.² Both of those matters have been pending in their own dockets since 2003.³

MCI filed comments, reply comments, and other documents opposing many of the positions currently taken by Verizon and USTA in the respective proceedings in which the matters were initially raised (*e.g.*, Docket No. 03-173 for the TELRIC rules). Rather than burden this docket with a lengthy restatement of its arguments, MCI simply reaffirms its positions in those proceedings and incorporates its comments, reply comments, and other filings by reference herein. MCI urges the Commission, when deciding these matters, to focus on the pleadings submitted in the actual, primary dockets and not ancillary materials provided through this and potentially other proceedings.

II. VERIZON'S PRIMARY POSITIONS ARE ALREADY BEING ADDRESSED IN OTHER PROCEEDINGS

In its Comments, Verizon primarily asserts that the Commission should: (1) eliminate certain regulations applicable to wireline broadband access services; (2) forbear from enforcing Section 271 unbundling obligations on broadband services; and (3) modify the TELRIC rules.⁴ These issues are already being examined in extensive detail in existing dockets. The regulations applicable to wireline broadband access services are under review in the Commission's wireline

² Comments of The Verizon Telephone Companies at pp. 19-33.

³ Public Notice, *Commission Establishes Comment Cycle for New Verizon Petition Requesting Forbearance From Application of Section 271*, CC Docket No. 01-338, 18 FCC Rcd 22795 (2003) ("*Verizon Section 271 Public Notice*"); Review of the Commission's Rules Regarding the Pricing of Unbundled Network Elements and the Resale of Service by Incumbent Local Exchange Carriers, WC Docket No. 03-173, *Notice of Proposed Rulemaking*, 18 FCC Rcd 18945 (2003) ("*TELRIC NPRM*").

⁴ Comments of The Verizon Telephone Companies at p. 1.

broadband rulemaking (Appropriate Framework for Broadband Access to the Internet Over Wireless Facilities, CC Docket No. 02-33).⁵ Forbearance from Section 271 unbundling obligations as applied to broadband services is being considered in response to petitions filed by all four RBOCs.⁶ Modification of the TELRIC pricing regime is being evaluated pursuant to an *NPRM* issued September 15, 2003.⁷

MCI filed comments, reply comments, oppositions, or other pleadings in each of the foregoing dockets, and many of those pleadings contain arguments in opposition to Verizon's current assertions. MCI reaffirms the positions it took in those pleadings and incorporates the pleadings by reference herein. MCI's primary pleadings in those dockets are as follows:⁸

1. **Wireline Broadband Rulemaking, CC Docket No. 02-33**
Joint Comments of WorldCom, Inc., et al. (May 3, 2002)
Joint Reply Comments of WorldCom, Inc., et al. (July 1, 2002)
2. **Verizon Section 271 Forbearance Proceeding, CC Docket No. 01-338**
Opposition of MCI to Verizon's Petition for Forbearance (November 17, 2003)
3. **SBC Section 271 Forbearance Proceeding, WC Docket No. 03-235**
Opposition of MCI to SBC's Petition for Forbearance (December 2, 2003)

⁵ Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, CC Docket No. 02-33, *Notice of Proposed Rulemaking*, 17 FCC Rcd 3019 (2002) ("Wireline Broadband NPRM").

⁶ *Verizon Section 271 Public Notice*; Public Notice, *Pleading Cycle Established for Comments on SBC's Petition for Forbearance From Application of Section 271*, WC Docket No. 03-235, 18 FCC Rcd 23302 (2003); Public Notice, *Pleading Cycle Established for Comments on Qwest's Petition for Forbearance From Application of Section 271*, WC Docket No. 03-260, 18 FCC Rcd 26709 (2004); Public Notice, *Pleading Cycle Established for Comments on BellSouth's Petition for Forbearance From Application of Section 271*, WC Docket No. 04-48, 19 FCC Rcd 4033 (2004).

⁷ *TELRIC NPRM, supra.*

⁸ MCI also reaffirms and incorporates herein positions it took in any additional pleadings that are relevant to Verizon's Comments but are not specifically set forth below.

4. **Qwest Section 271 Forbearance Proceeding, WC Docket No. 03-260**
Opposition of MCI to Qwest's Petition for Forbearance (January 20, 2004)
5. **BellSouth Section 271 Forbearance Proceeding, WC Docket No. 04-48**
Opposition of MCI to BellSouth's Petition for Forbearance (March 15, 2004)
6. **TELRIC Rulemaking, WC Docket No. 03-173**
Comments of MCI (Dec. 16, 2003)
Reply Comments of MCI (January 30, 2004)

III. MANY OF USTA'S POSITIONS ARE BEING ADDRESSED IN OTHER PROCEEDINGS OR WERE ADDRESSED IN RECENTLY CONCLUDED PROCEEDINGS

In its Comments, USTA, like Verizon, requests a broad array of modifications to the wireline regulations. However, many of the issues it raises are already under consideration in other proceedings or were addressed in proceedings that were recently concluded. Those issues include:

- Parts 32 and 43 accounting and reporting requirements, which are under review pursuant to an *FNPRM* released November 5, 2001.⁹
- Application of the Part 51 interconnection rules to ILEC provisioning of advanced services, which are being considered in the Commission's wireline broadband rulemaking (Appropriate Framework for Broadband Access to the Internet Over Wireless Facilities, CC Docket No. 02-33).¹⁰
- Part 53 separate affiliate requirements, which were addressed in a *Report and Order and Memorandum Opinion and Order* released March 17, 2004.¹¹

⁹ Comments of USTA at first attachment, pp. 7, 9; 2000 Biennial Regulatory Review – Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2, CC Docket No. 00-199, *Report and Order in CC Docket Nos. 00-199, 97-212, and 80-286, Further Notice of Proposed Rulemaking in CC Docket Nos. 00-199, 99-301, and 80-286*, 16 FCC Rcd 19911 (2001).

¹⁰ Comments of USTA at first attachment, pp. 10-11; *Wireline Broadband NPRM, supra*.

¹¹ Comments of USTA at first attachment, p. 14; Section 272(b)(1)'s "Operate Independently" Requirement for Section 272 Affiliates, WC Docket No. 03-228, *Report and Order in WC Docket No. 03-228 and Memorandum Opinion and Order in CC Docket Nos. 96-149, 98-141, and 01-337*, 19 FCC Rcd 5102 (2004).

- Part 54 Universal Service requirements, which were addressed in recent proceedings.

MCI filed comments, reply comments, oppositions, or other pleadings in each of the foregoing dockets, and many of those pleadings contain arguments in opposition to USTA's current assertions. MCI reaffirms the positions it took in those pleadings and incorporates the pleadings by reference herein. MCI's primary pleadings in those dockets are as follows:¹²

- 1. Accounting Requirements Rulemaking, CC Docket No. 00-199**
WorldCom Comments (April 8, 2002)
WorldCom Reply Comments (May 7, 2002)
- 2. Wireline Broadband Rulemaking, CC Docket No. 02-33**
Joint Comments of WorldCom, Inc., et al. (May 3, 2002)
Joint Reply Comments of WorldCom, Inc., et al. (July 1, 2002)
- 3. Separate Affiliate Requirements Rulemaking, CC Docket Nos. 96-149 and 03-228**
WorldCom Opposition (September 9, 2002)
MCI Opposition (July 1, 2003)
MCI Opposition (August 6, 2003)
MCI Comments (December 10, 2003)
MCI Reply Comments (December 22, 2003)
- 4. Universal Service, CC Docket No. 96-45**
Comments of WorldCom (November 5, 2001)
Comments of WorldCom (January 4, 2002)
Comments of MCI (April 14, 2003)
Comments of WorldCom, d/b/a/ MCI (April 28, 2003)

¹² MCI also reaffirms and incorporates herein positions it took in any additional pleadings that are relevant to USTA's Comments but are not specifically set forth below.

III. CONCLUSION

WHEREFORE, THE PREMISES CONSIDERED, MCI respectfully asks the Commission to act in the public interest in accordance with the proposals set forth herein.

Respectfully submitted,

/s/ John R. Delmore

John R. Delmore
MCI, Inc.
1133 19th Street, NW
Washington, DC 20036
202-887-2993
john.delmore@mci.com

May 3, 2004

CERTIFICATE OF SERVICE

I, Michelle Lopez, hereby certify that on this 3rd day of May, 2004, copies of the foregoing were served by regular mail or electronic mail on the following:

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, S.W.
Room 8-B201
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W.
Room 8-A302
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, S.W.
Room 8-B115
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Room 8-C723
Washington, D.C. 20554

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, S.W.
Room 8-C302
Washington, D.C. 20554

William Maher, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Paul W. Garnett
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Qualex International, Inc.
445 12th Street, S.W.
Room CY-B402
Washington, D.C. 20554

/s/ Michelle D. Lopez

Michelle D. Lopez