

11-17-2005

This is a petition for review of the actions of BellSouth in response to FCC 05-150 In the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities. BellSouth has repealed access to 3MB DSL service to unaffiliated ISPs as of 11/16/05. This is still a tariffed service until the order takes effect in 9 months. Tariffed services are available for purchase by unaffiliated ISPs as well as the BellSouth Internet Group. BellSouth has overstepped its borders here as well as the spirit of the order, which was to give ISPs access for a transition period of one year. Not to cut them off at the knees with a 2 week notice. We request that the WCB and the Enforcement Bureau review these actions in light of the FCC Order FCC 05-150.

In addition these actions Bellsouth has also removed the 256k x 128 product from it offerings which does not meet the FCC definition of Broadband thus should not have been affected by FCC order 05-150.

During period of time in which the FCC was considering FCC order 05-150 BellSouth was presenting the face that they intended to continue wholesale offerings because it good for Bellsouth and good for consumers. As you can see with BellSouth actions wholesale offering and negotiated commercial agreements are two things they are not interested in pursuing.

Effect November 17, 2005 Bellsouth has refused Computers-N-Services, Inc. access to 256k x 128k, 3.5Mb x 384k, 1.5Mb x 256k PVC services. They have also not supplied us with a draft of a commercial agreement which we requested via our Bellsouth Sales Representative. However, BellSouth Dot Net is still selling the 256k x 128k, 3.5Mb x 384 and the 6 Mb products without interruption.

I further request that the commission extend the definition of "Slamming" to include information service providers (ISP) and network service providers (NSP) as these services are generally provided over regulated wirelines.

The telecomm giant known as Bellsouth cannot be allowed to operate without FCC regulation and oversight.

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