Before the
Federal Communications Commission
Washington, DC 20554

In the matter of	)	
	)	
Consumer Protection	)	WC Docket No. 05-271
In the Broadband Era	)	
	)	

REPLY COMMENTS OF ALCATEL NORTH AMERICA

Alcatel North America ("Alcatel") hereby files these Reply Comments in the above-captioned proceeding. Alcatel is an international provider of communications equipment and solutions to service providers and enterprise customers. While Alcatel recognizes the importance of consumer safeguards in certain instances, the Commission should refrain from automatically imposing legacy Title II regulation on wireline broadband Internet access, a Title I service, until and unless there is a demonstrable need for action. If the Commission has determined that there is a need to act, then a remedy should be crafted that addresses the specific problem.

On August 5, 2005, the Commission issued a Report and Order detailing sweeping changes to the regulatory framework governing facilities-based wireline broadband Internet access.[1] In that order, the Commission found that wireline broadband Internet access is an information service and, as such, may be offered on a common carrier or non-common carrier basis. In so doing, the Commission relieved facilities-based wireline broadband Internet access providers from several Title II obligations, including CPNI, slamming, truth-in-billing, network outage reporting, Section 214

[1] *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, Report and Order, CC Docket No. 02-33 (released September 23, 2005)("Wireline Broadband Order").

discontinuance, rate averaging, and federal and state involvement. In fact, the Commission's *Wireline Broadband Order* set out to create "a minimal regulatory environment for wireline broadband Internet access service to benefit American consumers and promote innovative and efficient communications."[2] In this same spirit, Alcatel echoes the comments of Comcast, United States Telecommunications Association, and AT&T that call for the Commission to allow the marketplace to enforce basic consumer protection principles.

With the current climate of robust competition in the broadband Internet access marketplace, there is no compelling need for the Commission to impose legacy Title II obligations on broadband Internet access. Several comments to the record have already highlighted the tremendous competitive forces at play in the broadband Internet access market, and Alcatel agrees that stiff competition will ensure that any broadband Internet service provider who engages in slamming, for example, would likely experience an exodus of customers in favor of another provider who does not engage in such a practice. Absent a market failure in a particular locality, the Commission should initially permit market forces to regulate the behavior of Internet service providers.

In a 2005 proceeding, the Commission acted quickly and decisively upon confirming reports that a North Carolina-based Internet service provider, Madison River, was engaged in the blocking of voice-over-IP ("VoIP") traffic traveling on its network.[3] As this case shows, the few instances of demonstrable harm to consumers on the part of broadband Internet access providers can be managed effectively on a case-by-case basis rather than by imposing regulation before problems occur.

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[2] Id., at 3.
[3] Consent Decree, in re Madison River Communications, LLC, DA 05-543 (2005).

In its comments, Pac-West Telecomm, Inc. ("Pac-West") urges the Commission to codify certain principles of "net neutrality."[4] Since the Commission has not sought comment on net neutrality principles in the instant proceeding, this portion of Pac-West's comments is not germane to this proceeding and should be disregarded.

In conclusion, Alcatel urges the Commission to refrain from regulating unnecessarily and prematurely by applying Title II consumer protections to wireline broadband Internet access. Through its actions, the Commission has demonstrated its commitment to upholding common consumer protections when necessary. Similarly, wireline broadband Internet access providers have not shown a predilection toward denying consumers basic protections or discriminating against the services of unaffiliated third parties. The healthy competition now present in the market for broadband Internet access will ensure that broadband providers will act in a manner that respects the rights and wishes of consumers.

Respectfully Submitted,

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[4] Pac-West at 5-7.