

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

In the Matter of)
)
Petition of the Frontier and Citizens ILECs for)
Forbearance Under Section 47 U.S.C. § 160(c) From Title)
II and *Computer Inquiry* Rules With Respect to) WC Docket No. 06-147
Computer Inquiry Rules With Respect to Their)
Broadband Services)

REPLY COMMENTS OF THE FRONTIER AND CITIZENS ILECS

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Date: September 27, 2006

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The Frontier and Citizens Communications Incumbent Local Exchange Telephone Carriers (“Frontier”), one of the petitioners in this proceeding,¹ submit that nothing in the comments filed in this proceeding warrants giving Frontier any different regulatory treatment than the Commission granted to Verizon by operation of law in March, 2006.

Only five comments were filed in response to Frontier’s petition, as follows:

- 1. The Embarq Local Operating Companies** support Frontier’s petition.²
- 2. The National Telecommunications Cooperative Association (NTCA)** does not oppose Frontier’s proposal as a matter of relief for Frontier, but requests the Commission to allow other rural ILECs to continue to follow current tariffing and pooling options, and to require the carriers electing forbearance to continue to contribute to the Universal Service Fund based on

¹ Public Notice, *Pleading Cycle Established for Comments on the Frontier and Citizens Communications Incumbent Local Exchange Carriers Petition for Forbearance Under 47 U.S.C. §160(c) from Title II and Computer Inquiry Rules with Respect to their Broadband Services*, DA 06-1671 (Aug. 23, 2006).

² Comments in Support of Petition, p. 3 (Sept. 13, 2006).

revenues derived from their broadband services.³ Frontier concurs with the positions of the NTCA.

3. Sprint Nextel Corporation opposes the petition. It asserts that Frontier's petition suffers from the same deficiencies as the similar petitions filed by the BOCs and other major ILECs, but fails to raise any issues unique to Frontier's petition.⁴ Sprint Nextel's failure to raise any Frontier-specific issues violates the Commission's request for commenters "to focus their comments solely on issues unique to Frontier's petition."⁵ Sprint Nextel's comments should therefore be given little or no weight. Sprint Nextel offers no basis whatsoever to treat Frontier differently from Verizon, the other BOCs or the other major ILECs that have requested the same forbearance that Frontier is requesting.

4. MontanaSky.net urges the Commission to deny or defer the relief requested by Frontier until and unless Frontier provides a contractual arrangement satisfactory to MontanaSky.net for the provision of wholesale DSL Internet access services.⁶ This issue has nothing to do with Frontier's current petition. Instead, it relates to the Commission's previous deregulation of DSL services, and its determination that ILECs are no longer legally required to provide wholesale DSL Internet access service in the absence of mutually acceptable and commercially reasonable arrangements.⁷ Frontier has continued to provide wholesale DSL

³ National Telecommunications Cooperative Association Initial Comments, p. 9 (Sept. 13, 2006).

⁴ Sprint Nextel Corporation's Comments in Opposition to Petition for Forbearance, pp. 2-3 (Sept. 13, 2006).

⁵ Public Notice, *Pleading Cycle Established for Comments on the Frontier and Citizens Communications Incumbent Local Exchange Carriers Petition for Forbearance Under 47 U.S.C. §160(c) from Title II and Computer Inquiry Rules with Respect to their Broadband Services*, DA 06-1671 (Aug. 23, 2006).

⁶ Comments of MontanaSky.net, pp. 1-2 (Sept. 13, 2006).

⁷ CC Docket No. 02-33 et al., *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853, FCC 05-150 (released Sept. 23, 2005) ("DSL Order"), ¶75.

access services to MontanaSky.net consistent with the Commission's DSL Order.

MontanaSky.net acknowledges that it has engaged in negotiations with Frontier regarding an ongoing service arrangement, but an agreement has not been finalized. MontanaSky.net is effectively asking the Commission to reverse the DSL Order, intervene in the parties' discussions and require Frontier to reach a "satisfactory"⁸ wholesale DSL Internet access agreement with MontanaSky.net. MontanaSky.net is effectively seeking to dictate the terms and conditions of an agreement with Frontier, clearly contradicting the Commission's determination that future wholesale DSL contracts should be mutually acceptable and commercially reasonable. MontanaSky.net offers no basis for the Commission to reverse the DSL Order, and its request is untimely as well as meritless. Still less does MontanaSky.net offer any basis for it to hold Frontier's relief in this proceeding hostage until and unless MontanaSky.net has entered into and is satisfied with an Internet access agreement with Frontier.

5. The AdHoc Telecommunications Users Committee filed a document entitled "Reply Comments of AdHoc Telecommunications Users Committee" dated August 31, 2006 with references only to WC Docket No. 06-125 as opposed to this proceeding, which is WC Docket No. 06-147. This document does not even mention Frontier once, and thus does not even remotely comply with the Commission's request to focus comments solely on issues unique to Frontier's petition. This document should be disregarded in Frontier's proceeding.

⁸ Comments of MontanaSky.net, p. 2 (Sept. 13, 2006).

CONCLUSION

Not one commenting party offers any reason to treat Frontier differently from Verizon and the other ILECs requesting the same broadband forbearance that the Commission granted to Verizon. For this reason and for the reasons set forth in Frontier's petition, to the extent the Commission finds that the relief provided to Verizon does not already extend to Frontier, the Commission should expeditiously issue an order granting Frontier the same relief.

Respectfully submitted,

FRONTIER AND CITIZENS ILECS



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Date: September 27, 2006

CERTIFICATE OF SERVICE

WC Docket No. 06-147

I, Gregg C. Sayre, do certify that on September 27, 2006, the aforementioned *Reply Comments of the Frontier and Citizens ILECs* were electronically filed with the Federal Communications Commission through its Electronic Comment Filing System and were emailed or mailed to the following as indicated below:

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