

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Special Access Rates for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corp Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593

**COMMENTS OF THE COMPUTING TECHNOLOGY INDUSTRY
ASSOCIATION**

The Computing Technology Industry Association (CompTIA) is the leading association representing the business concerns of the information technology (IT) community, representing over 20,000 IT related companies. While we include as our members virtually every major computer hardware, software and services company in the U.S., CompTIA distinctly represents this nation's tens of thousands of Value-Added Resellers (VARs), the small computer companies that provide computer services to America's small businesses. In addition to representing the interests of the computer industry, CompTIA is well known for its professional certifications, non-technical industry standards, and educational programs for the industry.

Today, almost one million Americans hold professional certifications issued by CompTIA.

CompTIA has consistently urged the Commission to avoid the regulation of Internet and related data services. Data and Internet services have been enormously important to our members and have been enormously successful in large part because they have been un-regulated or minimally-regulated. Permitting market forces to apply to the data transmission and Internet access markets has many benefits, not least of which are ease of entry by new competitors and the encouragement of both innovation and investment. Regulation, in the view of our members, tends to discourage competition, innovation and investment.

In this regard, CompTIA discourages the Commission from re-regulating special access services, most of which are used for data and Internet transmission. Regulation of these services should be avoided until or unless a compelling and unequivocal case has been made to re-regulate this service area. No such compelling case, in our view, has been made; nor do we believe that the Commission could yet reach a conclusion on whether regulation should be re-introduced based on the public record to date.

In 1999, the FCC adopted a framework for the deregulation of special access services in markets where competitive facilities had been deployed¹. The District of Columbia Circuit Court upheld this decision², and rightly so. Since special access services were de-regulated eight years ago, prices appear to have fallen. A November 2006 GAO study found that prices for special access services (which -as noted above- today consist mainly of data and Internet transmission services) declined in many areas by as much as 6%³.

CompTIA urges the Commission to approach the subject of re-regulating special access services with great care. As was noted in the same 2006 GAO study mentioned above, the Commission lacks essential information about competitive special access facilities because it does not require providers of competitive access services to provide information about such facilities⁴. The Commission should not consider re-regulating a service that involves data and Internet transmissions in which the GAO reports that prices are falling in the absence of such information. Indeed, in light of the lack of such information, the GAO itself specifically refused to endorse proposals to re-regulate special access services⁵.

¹ *Access Charge Reform*, CC Docket No. 96-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221 (1999).

² *WorldCom, Inc. v. FCC*, 238 F.3d 449 (D.C. Cir. 2001).

³GAO, *Telecommunications: FCC Needs to Improve Its Ability to Monitor and Determine the Extent of Competition in Dedicated Access Services*, GAO-07-80 (Washington, D.C.: Nov. 2006).

⁴ *Ibid.* at 22.

⁵ *Ibid.* at 43-4.

Re-regulating this market could have a serious impact on the availability and affordability of broadband data and Internet services, so we ask the Commission require the submission of information from all special access service providers, and to cautiously review this information, before proceeding with any new rules pertaining to the special access market.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read 'R Cochetti'.

Roger Cochetti
U.S. Public Policy Group

Director

Computing Technology Industry
Association (CompTIA)
515 2nd Street, NE
Washington, D.C. 20002
Ph: 202-543-3003
rcchetti@comptia.org

A handwritten signature in black ink, appearing to read 'Christopher L. Turner'.

Christopher L. Turner
Public Policy Manager

Computing Technology Industry
Association (CompTIA)

515 2nd Street, NE
Washington, D.C. 20002
Ph: 202-543-3003
cturner@comptia.org

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