

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:)
)
Petition by BellSouth Telecommunications,)
Inc. for waiver of Rule 25-4.115, F.A.C.,)
Directory Assistance, and for authorization)
to provide National Directory Assistance)
(NDA) in Florida.)
_____)

Docket No. 971560-TL
Filed: June 15, 1998

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.'S
BRIEF**

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- WAS _____
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BRIEF OF AT&T COMMUNICATIONS
OF THE SOUTHERN STATES, INC.

AT&T Communications of the Southern States, Inc. ("AT&T"), pursuant to Rule 25-22.056, Florida Administrative Code, and Order No. PSC-98-0615-PCO-TL (May 4, 1998), files this brief on the issues and states:

INTRODUCTION AND
SUMMARY OF ARGUMENT

In its petition, BellSouth Telecommunications, Inc. ("BellSouth") proposes to provide National Directory Assistance ("NDA") service to its Florida customers who dial either 411 or HPNA-555-1212. Under BellSouth's proposed NDA service, if the customer requests a listing in BellSouth's local or HPNA serving area of the originating line, the call will be routed to the same DA operator center that currently provides service on such DA listing requests. If the customer requests a listing that is outside BellSouth's local and HNPA serving area of the originating line, the call will be routed to BellSouth's NDA operator center where BellSouth's database will be queried if the listing is in the nine-state BellSouth region. If requested listings

are outside the BellSouth region, a third-party database will be queried by BellSouth's NDA operator.

In providing the proposed service, BellSouth would provide interLATA transport as part of that service, provide information relating only to interLATA calls, and displace calls that otherwise would be carried by long-distance companies. For each of these reasons, BellSouth's provision of its proposed NDA service would be the provision of in-region interLATA service forbidden by Section 271(a) of the Communications Act, until such time BellSouth receives authority to do so by the Federal Communications Commission ("FCC") under Section 271(d). Decisions of the District Court and the Court of Appeals under the Modification of Final Judgment ("MFJ") confirm that BellSouth's proposed NDA service offends Section 271. And, Section 271 continues in effect all of the MFJ's prohibitions, except where that section specifically provides, or where the FCC issues subsequent orders authorizing service.

BellSouth's proposed NDA service is an attempt to provide interLATA services that would have been barred by the MFJ, and that are now barred by Section 271, without first having received FCC authority to do so. It is another example of recent Bell Operating Company ("BOC") attempts to justify the provision of interLATA services by claiming (without any basis) that they fall within the narrow exception for "official services" permitted by the MFJ and now by Section 271(f). The official services exception – as under the MFJ – is narrowly restricted and an in-region NDA service does not comply with Section 271(a) of the Act. The Public Service Commission should reject these attempts to circumvent Section 271 and deny BellSouth's petition for waiver of Rule 25-4.115, F.A.C.

POSITIONS ON THE ISSUES

Issue 1: Is the provision of National Directory Assistance a permissible activity for BellSouth Telecommunications, Inc., under the Modified Final Judgment and Section 271(f) of the Telecommunications Act of 1996?

AT&T: No. BellSouth's proposed NDA service is an attempt to provide interLATA services that would have been barred by the MFJ, and that are now barred by Section 271, without first having received FCC authority to do so.

BellSouth does not claim that it has received authority from the FCC pursuant to Section 271 of the Act (47 U.S.C. § 271(d)) permitting it to offer interLATA telecommunications in any state in its region. Instead, BellSouth argues that the provision of NDA service by a BOC is not prohibited under any applicable law. This is simply wrong. Its proposed NDA service is permissible only if it meets the terms of Section 271, which it plainly does not and, because BOC provision of in-region NDA service would have violated the MFJ, it now violates Section 271.

Because BellSouth would provide interLATA transport in two phases of its proposed NDA service, it is clear that its proposed service would violate Section 271, and would not have been permitted under the MFJ. First, calls would be transported from customers located within its serving areas to centralized directory assistance operators across LATA boundaries. Second, its directory assistance operators may transfer the call, or make a database query, across LATA boundaries. The Act could not be clearer that, absent obtaining authority pursuant to Section 271, a BOC cannot engage in these activities.

Specifically, a BOC may not provide "interLATA services" (§ 271(a)). The Act clearly defines "interLATA service" as "telecommunications between a point located in a local access and transport area and a point located outside such area," and it defines telecommunications as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." 47 U.S.C. § 153(21), (43). Yet, BellSouth would engage in these activities when it transported directory assistance calls across LATA boundaries. And while, as shown below, the Decree Court permitted such activity as an official service when done in connection with the provision of intraLATA directory assistance service -- the provision of a telephone number to an end user located in the same LATA as the number sought -- it did not authorize such activities in connection with the provision of numbers served outside of the LATA of the end user. Thus, even if BellSouth could provide to end users telephone numbers without regard to the LATA of the end user seeking the number and the LATA of the requested number, it could not do so on a centralized basis, for BellSouth would then be transporting calls across LATA boundaries for a purpose other than the one previously authorized by the Decree Court.

In 1983, the Decree Court specifically held that 800 Service Directory Assistance "is an interexchange, inter-LATA service" because it performs "interexchange functions." United States v. Western Elec. Co., 569 F. Supp. 1057, 1102 (D.D.C. 1983). That service provided national directory assistance service for 800 numbers; BellSouth's proposed NDA service differs in no regard except that BellSouth's proposed NDA service is much broader in scope. Moreover, the Decree Court clearly held, most clearly in the so-called Shared Tenant Services decision, that services that are associated only with the provision and selection of interLATA communications

were themselves prohibited to the BOCs by the MFJ. See United States v. Western Elec. Co., 627 F. Supp. 1090, 1100-02 (D.D.C. 1986). One significant part of the rationale for the Decree Court's decision there was that such activity by the BOCs would give them an economic stake in services otherwise provided by competitive interexchange carriers. Id.

In 1984, the U S WEST companies Northwestern Bell, Mountain Bell, and Pacific Northwest Bell asked the Decree Court for a declaration that the Decree permitted them to offer directory assistance in such a way that callers could receive numbers outside of the NPA and LATA in which the caller was located, or alternatively for a waiver of the Decree.¹ The Department of Justice recognized such calls as interLATA and opposed the request:

The Department would thus oppose waivers to allow the BOCs to provide directory assistance directly over their own facilities (as opposed to providing the service to interexchange carriers pursuant to exchange access tariffs) where the number sought is outside the NPA (and the LATA) of the person making the calls, except to the extent that such service was provided to independent telephone companies prior to divestiture.²

AT&T opposed the request because such services constituted interLATA services and were then being provided by interexchange carriers.³

The Decree Court denied U S WEST's motion in relevant part.⁴ The Court found that "[t]he arguments of the Department of Justice and of AT&T are well taken."⁵ It wrote:

¹ See Motion and Memorandum in Support for Declaratory Ruling or in the Alternative for a Waiver in Regard to Certain Operator Services, United States v. Western Elec. Co., D.D.C. No. 82-0192 (filed Feb. 27, 1984).

² Response of the United States to the Motion of the U S WEST Operating Companies Regarding the Provision of Directory and other Operator Services to Independent Telephone Companies, United States v. Western Elec. Co., D.D.C. No. 82-0192, pp. 4-5 (filed March 8, 1984).

³ AT&T Response to Motion of Northwestern Bell, Mountain Bell and Pacific Northwest Bell in Regard to Certain Operator Services, United States v. Western Elec. Co., D.D.C. No. 82-0192 (filed March 12, 1984).

AT&T is currently providing (and other interexchange carriers can similarly provide) inter-LATA directory assistance by using directory information provided by US West pursuant to its access tariffs. Thus, callers who are outside not only the NFA (and LATAs), but also outside the States served by US West would presumably not be inconvenienced if directory assistance is provided over the facilities of an interexchange carrier rather than those of the US West Operating Companies.⁶

All of this establishes that, under the Decree, the provision of directory assistance to callers seeking numbers outside their LATAs was an IXC service under the MFJ.⁷

National directory assistance service is also not "official services" under the MFJ. Although the Decree Court permitted the BOCs to provide interexchange transport in connection with official services, this exception was limited to four enumerated services that constituted internal "communications between personnel or equipment of [a BOC] [or] communications between [BOCs] and their customers." 569 F. Supp. at 1097; see also id. at 1097-100. In this regard, the Decree Court noted that the exception for local directory assistance service and other official services would not offend the theory of the Decree because the BOCs would not thereby be placed in competition with the IXCs. Id. at 1100-01. Significantly, any call that BellSouth would handle over its proposed in-region NDA service is a call that previously would have been carried by an IXC.

⁴ Memorandum Order, United States v. Western Elec. Co., No. 82-0192 (D.D.C., Oct. 30, 1984).

⁵ Id. at 4.

⁶ Id. at 4-5 (footnote omitted).

⁷ The October 30, 1984 Order provided a limited exception: the provision to callers of numbers in the same NPA, even if outside the caller's LATA, where such service was provided prior to divestiture.

For these reasons, BellSouth's assertion that its proposed NDA service is no different from the local directory assistance service that it offered on a centralized basis at divestiture and that it is therefore a permissible "official service" is incorrect. Moreover, both the Decree Court and the Court of Appeals made clear under the MFJ that the "official services" exception was limited to those services being offered in 1983, and that the BOCs could not attempt to provide other, similar services by claiming that they were analogous to permitted official services such as directory assistance.

Thus, in the time-and-weather decision, the Decree Court found that the BOCs would be permitted to offer time and weather services on a centralized basis, but granted a specific waiver of the Decree. It stated that "the time and weather services do not properly fall within the four basic categories of 'official services' set out in the decree, and to classify them as such would set an undesirable precedent." United States v. Western Elec. Co., 578 F. Supp. 658, 661 (D.D.C. 1983). And, in the Gateway decision, the Decree Court rejected an analogy to official services, stating that official services "comprise essentially those communications within an Operating Company and between the Company and its customers that are necessary to run the telephone system." United States v. Western Elec. Co., 1989-1 Trade Cas. ¶ 68,400, 1989 WL 21922, Slip Op. at 8-9 (D.D.C., Jan. 24, 1989) (emphasis added); see also id. at 12 ("the Court has consistently interpreted the official services exception narrowly"). On appeal in that same proceeding, the Court of Appeals wrote that the official services exception was the outcome of "pragmatism" and not of "logical" interpretation of the Decree and that the official services exception therefore should be narrowly construed. United States v. Western Elec. Co., 907 F.2d 160, 164 (D.C. Cir. 1990).

In this regard, BellSouth's attempt to describe its new service as an official service and therefore permissible under section 271(f) is only the latest BOC attempt to stretch official services beyond all reasonable boundaries. It is clear that the official services exception is restricted to those four categories of services explicitly approved by the District Court in 1983.

As previously stated, BellSouth would undeniably provide in-region interLATA services when customers call its proposed NDA service, and the operators transfer the calls between service centers and make queries to centralized databases. Each of these activities is itself interLATA telecommunications, and as discussed above, these in-region interLATA telecommunications are not permitted by any exception to section 271(a). Any argument or contention that Section 271(a)'s prohibition on in-region interLATA services differs in scope from the MFJ's prohibition on interexchange telecommunications services is erroneous.

Section 271 codifies the MFJ's interexchange restriction, by stating that no BOC "may provide interLATA services except as provided in this section." That is confirmed by the fact that the only statutory exceptions to the MFJ's ban are out-of-region services (§ 271(a)(2)) and incidental interLATA services (§ 271(a)(3) & (g)), or activity permitted under the MFJ by waiver (§ 271(f)). Section 271(a) itself includes the term "services" and section 271 otherwise mirrors the MFJ. Thus, a reading of the plain language of the statute confirms that section 271 is congruent with the MFJ (except where that section explicitly permits certain BOC interLATA services). And, the legislative history confirms that section 271 would prohibit all of the activities prohibited by the MFJ, unless the statute or subsequent FCC order explicitly permitted

them.⁸ It would be quite remarkable if Congress did in fact effect, without any comment, such a significant change in the permitted activities of BOCs through the back-door means of defining "interLATA services." In fact, the definition of interLATA services did not draw a single sentence of explanation either in the Conference Report or in the final House Report (from which bill the final definition was taken).⁹

In this regard, the FCC has to date, uniformly treated the Section 271 restriction on in-region interLATA services as coextensive with the MFJ's prohibition on interexchange telecommunications services. To do otherwise would violate the clear purpose of the Telecommunications Act. See, e.g., Applications of NYNEX Corp. and Bell Atlantic Corp., Docket NSD-L-96-10, FCC No. 97-268, at ¶ 20 n.27 (Aug. 14, 1997) ("All Bell Operating Companies have generally been prohibited from offering interLATA services since 1982 by the MFJ ... and were subsequently prohibited from providing in-region interLATA services by Section 271 of the Communications Act.").¹⁰

⁸Thus, the Conference Report describes the effect of section 271 as follows:

New section 271(b)(1) requires a BOC to obtain Commission authorization prior to offering interLATA services within its region unless those services are previously authorized, as defined in new section 271(f), or "incidental" to the provision of another service, as defined in new section 271(g), in which case, the interLATA service may be offered after the date of enactment. New section 271(b)(2) permits a BOC to offer out-of-region services immediately after the date of enactment.

H. Conf. Rep. 104-458, at 147.

⁹See H. Conf. Rep. 104-458, at 116; H.R. Rep. 104-204, at 125-26 (reporting on H. 1555).

¹⁰See also, e.g., NYNEX Long Distance Co. Application for Authority Pursuant to Section 214, ITC Docket 96-125, 11 FCC Rcd. 8685, 8690 n. 21 (1996); Implementation of the Non-Accounting Safeguards of Sections 271-272 of the Communications Act of 1934, as amended, CC Docket 96-149, FCC No. 96-489, at ¶¶ 30-47 (Dec. 24, 1996).

Issue 2: Is the provision of National Directory Assistance service an incidental interLATA service as defined in Section 271(g) of the Telecommunications Act of 1996, which BellSouth Telecommunications, Inc., may offer pursuant to Section 251(b)(3) of the Telecommunications Act of 1996?

AT&T: No. BellSouth's proposed NDA service is not an incidental service as defined in Section 271(g).

BellSouth argues that its proposed NDA service is not an incidental interLATA service since the Act provides no basis for distinguishing between a DA offering that is inclusive of national listings and one that is not. However, PSC staff believes an argument can be made that NDA is an incidental service pursuant to the definition of "incidental services" in Section 271(g)(4). That section defines "incidental services" to include:

a service that permits a customer that is located in one LATA to retrieve stored information from, or file information from storage in, information storage facilities of such companies that are located in another LATA.

Even brief scrutiny makes plain that NDA is not within the scope of 271(g)(4). Any interpretation of the above provision must also take into account the fact that 271(h) requires 271(g) to be "narrowly construed." The plain meaning of the term "incidental interLATA services" requires that such services be incidental to something—logically, to a service which the BOC is permitted to offer. The only service to which BellSouth's NDA service would be incidental would be interLATA toll – a service it is clearly prohibited from providing. The

staff's interpretation of Section 271(g)(4) would permit BOCs to offer interLATA services without limitation in order to provide data storage or retrieval functions. That argument proves far too much, and cannot be reconciled with the FCC's prior rulings. For example, in its Non-Accounting Safeguards Order, the FCC stated:

If a BOC's provision of an Internet or Internet access service (or for that matter, any information service) incorporates a bundled, in-region, interLATA transmission component provided by the BOC over its own facilities or through resale, that service may only be provided through a section 272 affiliate, after the BOC has received in-region interLATA authority under section 271.¹¹

In keeping with the above-quoted ruling, to date the BOCs have designed their Internet service offerings so that their in-region customers utilize access numbers within their own LATA,¹² which they would not be required to do if they read § 271(g)(4) in the manner staff suggests. Thus, it is clear that BellSouth's proposed NDA service would not be an incidental service pursuant to Section 271(g).

¹¹ First Report and Order and Further Notice of Proposed Rulemaking, Implementation of Non-Accounting Safeguards of Sections 271 and 272 of the Telecommunications Act of 1934, as Amended, CC Docket No. 96-149, FCC 96-489, released December 24, 1996, ¶ 127 (emphasis added).

¹² See, e.g., Order, Bell Atlantic Telephone Companies: Offer of Comparably Efficient Interconnection to Providers of Internet Access Services, CCBPol 96-09, DA 96-891, released June 6, 1996, ¶¶ 10, 50.

Issue 3: Is the provision of National Directory Service an adjunct-to-basic service, and, therefore, a permissible activity for BellSouth Telecommunications, Inc.?

AT&T: No. BellSouth's proposed NDA service is not a adjunct-to-basic service that is a permissible activity.

BellSouth argues that its proposed NDA service is an adjunct-to-basic service as defined by the FCC, which facilitates the use of the basic network without changing the nature of the basic telephone service. This claim is wrong on its face. The "adjunct-to-basic" label was created by the FCC to allow the BOCs to continue to provide, without structural or accounting separation, certain types of service that were integral with the provision of the basic services that they had historically provided, such as local exchange service and intraLATA toll. However, the principal limitation of this provision is that the service offered not change the nature of the basic telephone service. BellSouth has historically provided local and HNPA toll under this label. These are services that BellSouth has historically been allowed to provide. However, the scope of such service has always been limited by LATA boundaries, the same scope as its otherwise allowable local and toll services. Even the Commission's waiver of the HNPA DA rule for the 305/954 area code split does not change the result here. The provision of DA was still limited by the southeast LATA's boundaries and within the same area that had previously been only 305. The geographic scope of BellSouth's DA remained the same.

In contrast, however, BellSouth's proposal to expand the service to include interLATA DA fundamentally changes the nature of the service and removes it from the FCC's adjunct to basic service safe harbor. BellSouth's proposed NDA is not an "adjunct" to any service BellSouth is allowed to provide. In addition, the arguments set forth in Issue 1 refuting BellSouth's claims that NDA falls within the official service category are equally applicable here. The fact that NDA is an entirely new service that is already provided by IXCs and is not an adjunct to any service that BellSouth is currently allowed to provide belies any claim that it is an adjunct to basic service that may be permissibly provided. Accordingly, the answer to Issue 3 must be a resounding no.

Issue 4: Is BellSouth Telecommunications, Inc.'s use of 411 for access to National Directory Assistance in violation of Order FCC 97-51 and therefore an unreasonable practice under Section 201(b) of the Telecommunications Act of 1996?

AT&T: Yes. BellSouth's provision of NDA through the use of 411 would be an unreasonable practice under Section 201(b) of the Act.

AT&T believes that BellSouth may not lawfully offer NDA. However, to the extent BellSouth may lawfully offer its national directory assistance service prior to receiving section 271 authorization, sections 251(b)(3) and 251(c)(3) require BellSouth to unbundle that service to provide access to the elements of it on a nondiscriminatory basis. Thus, to the extent it is permitted to offer national directory assistance service, BellSouth is required to offer: (1) 411 dialing, (2) the underlying database information, and (3) the national directory assistance service to any requesting carrier on a nondiscriminatory basis. These obligations are entirely independent of whether national directory assistance service is an enhanced service, an incidental service, an adjunct to basic service or an official service.

BellSouth argues that LEC provision of national directory assistance service will promote competition for such services, suggesting that such services are not currently competitive. Many interexchange carriers offer national directory assistance services, and the long distance market is undeniably competitive.

What BellSouth ignores, however, is that ILEC provision of national directory assistance services using 411 dialing or another abbreviated dialing arrangement would be anticompetitive, unless there were access to those same dialing arrangements, nondiscriminatory access to directory information, and wholesale provision of the service itself on a nondiscriminatory basis. As the Commission recognized in its N11 Order¹³ and in the Second Report and Order in CC Docket No. 96-98,¹⁴ ILECs would gain a significant competitive advantage were they the only carriers able to provide services through abbreviated dialing arrangements such as 411 and 555-1212. This is particularly true if BellSouth is permitted to provide NDA before there is any significant competition in the local exchange market.

In the N11 Order,¹⁵ the FCC recognized the important advantages of abbreviated dialing arrangements and directly stated that the BOCs must provide "nondiscriminatory access to directory assistance services." N11 Order ¶ 48. The Commission therefore should make clear that, under section 251(b), BellSouth must offer N11 dialing parity and that, pursuant to section 251(c), BellSouth must unbundle and offer both its underlying national directory service information and its national directory assistance service on a nondiscriminatory basis to all requesting carriers.

¹³ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket 92-107, FCC No. 97-51 (Feb. 19, 1997).

¹⁴ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, CC Docket No. 96-98, FCC No. 96-333, at ¶ 151, rev'd in part on jurisdictional grounds, California v. FCC, No. 96-3519 (8th Cir., Aug. 22, 1997).

¹⁵ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket 92-107, FCC No. 97-51 (Feb. 19, 1997) ("N11 Order").

Whatever the merit of BellSouth's arguments that national directory assistance is a permissible service, that contention would not eliminate BellSouth's obligation pursuant to section 251 of the Act to provide access to (i) 411 dialing, (ii) database information, and (iii) the nationwide directory assistance service itself to other carriers that requested them. Section 251(b)(3) unambiguously imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." 47 U.S.C. § 251(b)(3). Similarly, section 251(c)(3) requires all ILECs "to provide ... nondiscriminatory access to network elements on an unbundled basis at any technically feasible point." 47 U.S.C. § 251(c)(3).

The FCC explicitly applied these provisions in two proceedings in which it held that 411 dialing must be provided to other carriers on a nondiscriminatory basis. In its Second Report and Order in CC Docket No. 96-98, the Commission found that section 251 requires ILECs to provide nondiscriminatory access to both 411 and 555-1212.¹⁶ The Eighth Circuit's partial reversal of that order (California v. FCC, No. 96-3519 (8th Cir., Aug. 22, 1997)) on jurisdictional grounds does not affect the Commission's obligation, in this declaratory proceeding, to adhere to its previous interpretation of section 251. Similarly, in the N11 Order, the Commission correctly found that it would be "anticompetitive" to deny CLECs' customers the ability to access repair and business offices by dialing 611 and 911. N11 Order ¶ 46.

¹⁶Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, CC Docket No. 96-98, FCC No. 96-333, at ¶ 151.

Similarly, section 251 requires that the directory assistance service itself, and any underlying data, each be provided as unbundled network elements. In this regard, the Eighth Circuit's opinion reviewing the FCC's First Report and Order in the local competition docket rejected LEC claims that "operator services and directory assistance" were not subject to the unbundling requirements. Iowa Utilities Board v. FCC, No. 96-3321, Slip Op. at 131 (8th Cir., July 18, 1997). The court wrote:

Our agreement with the FCC's determination that the Act broadly defines the term 'network element' leads us also to agree with the Commission's conclusion that operator services, directory assistance, caller I.D., call forwarding, and call waiting are network elements that are subject to unbundling. We believe that operator services and directory assistance qualify as features, functions, or capabilities that are provided by facilities and equipment that are used in the provision of telecommunications services. The commercial offering of phone services to the public and the specific transmission of phone calls between locations implicates the use of operator services and directory assistance.

Id. at 133.

The Commission should, therefore, make clear that BellSouth is required under § 251(b) to offer N11 dialing parity and that, pursuant to § 251(c), BellSouth's national directory assistance service must be unbundled and offered on a nondiscriminatory basis to all requesting carriers. If ILECs alone were permitted to offer national directory assistance service through "nationally-recognized numbers for directory assistance" (Second Report and Order ¶ 149), they would gain a significant competitive advantage. This is particularly true in view of the fact that there is no significant local exchange competition in BellSouth's territory. With the lack of local competition, BellSouth's provision of NDA would be an unreasonable practice under Section 201(b).

Conclusion

As clearly shown above, the provision of NDA by BellSouth is not permitted. NDA is an interLATA service that BellSouth is not yet permitted to provide. Neither is the service allowable as an "incidental service" nor as an "adjunct to basic service." Further, BellSouth's provision of NDA would be an unreasonable practice based on the current level of local exchange competition. BellSouth's attempt to sneak the nose of its interLATA camel under the tent of interLATA toll competition should not be countenanced by this Commission until BellSouth has performed its obligation to open its local exchange market to competition and earned its entry into the interLATA market. Accordingly, BellSouth's petition for rule waiver should be denied.

Respectfully submitted,


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