

GRAHAM MOODY & SOX  
ATTORNEYS AT LAW

ORIGINAL

WILLIAM B. GRAHAM  
W. DOUGLAS MOODY, JR.  
RICHARD N. SOX, JR.

CERTAIN ATTORNEYS ALSO  
ADMITTED IN GEORGIA,  
AND TEXAS

ROBERT F. REYES\*  
GOVERNMENTAL CONSULTANT  
\*NOT A MEMBER OF THE FLORIDA BAR

October 29, 1999

VIA HAND DELIVERY

Ms. Blanco Bayo, Director  
Division of Records and Reporting  
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Tallahassee, FL 32399-0850

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Re: *MediaOne Florida Telecommunications, Inc.*

990149-TP

Dear Ms. Bayo:

Please find enclosed for filing on behalf of MediaOne Florida Telecommunications, Inc., the following document:

Original and 7 copies of our Motion for Reconsideration and Request to File Supplemental Authority.


Please acknowledge receipt of these documents by stamping the extra copy of this letter "Filed" and returning the same to me.

I thank you very much for your assistance in this matter.

Very truly yours,

  
William B. Graham

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of )  
Petition by MediaOne Florida )  
Telecommunications, Inc. for Arbitration of an )  
Interconnection Agreement with BellSouth )  
Telecommunications, Inc. Pursuant to Section )  
252(b) of the Telecommunications Act of 1996 )

Docket No. 990149-TP

MEDIAONE'S MOTION FOR RECONSIDERATION AND  
REQUEST TO FILE SUPPLEMENTAL AUTHORITY

William B. Graham  
Fla. Bar No. 359068  
Graham, Moody & Sox, P.A.  
101 N. Gadsden Street  
Tallahassee, FL 32301  
(850) 222-6656

Susan Keesen  
Richard A. Karre  
188 Inverness Drive West, 6<sup>th</sup> Floor  
Englewood, CO 80112  
(303) 858-3504

Attorneys for MediaOne Florida  
Telecommunications, Inc.

October 29, 1999

DOCUMENT FILED - DATE  
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PUBLIC UTILITY BOARD

## INTRODUCTION

Pursuant to Rule 25-22.060, Florida Administrative Code, MediaOne Florida Telecommunications, Inc. (MediaOne), submits its Motion for Reconsideration of the Final Order on Arbitration<sup>1</sup> (Order) in this proceeding. In addition, MediaOne requests the Commission's leave to file supplemental authority after the deadline for submission of its Motion for Reconsideration.

In this Motion, MediaOne asks that the Florida Public Service Commission (Commission) reconsider two issues addressed in the Order. First, MediaOne requests that the Commission revisit its determination not to treat the Calling Name database as an unbundled network element (UNE).

MediaOne further asks the Commission to reconsider several of its determinations regarding the appropriate treatment of network terminating wire (NTW). Specifically, MediaOne asks the Commission to reconsider its decision not to treat NTW as a UNE, as well as its determination that MediaOne's proposal for obtaining access to NTW is technically infeasible and its determination that MediaOne's proposal is "unrealistic" because it would involve one carrier's reconfiguring the network of another carrier. MediaOne also asks that the Commission clarify the Order as it relates to BellSouth's proposal to require MediaOne to install a network interface device whenever it uses BellSouth's NTW to provide service to an MDU resident. If the Commission grants the requested reconsideration and clarification, we believe it will then conclude that it should require the parties to incorporate MediaOne's NTW proposal into the interconnection agreement.

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<sup>1</sup> Final Order on Arbitration, Docket No. 990149-TP (October 14, 1999).

I. THE COMMISSION SHOULD RECONSIDER ITS DECISION NOT TO TREAT THE CALLING NAME DATABASE AS AN UNBUNDLED NETWORK ELEMENT.

In this proceeding, MediaOne has asked the Commission to treat BellSouth's Calling Name (CNAM) database as an unbundled network element (UNE). In the Order, the Commission determined that the CNAM database does not meet the statutory tests for UNE; it therefore declined to grant MediaOne's request (Order, at 10).

On September 15, 1999, the Federal Communications Commission decided the UNE Remand Proceeding.<sup>2</sup> At the direction of the United States Supreme Court, the FCC there reconsidered section 51.319 of its rules, which established the network elements to be offered on an unbundled basis by the incumbent local exchange carriers.<sup>3</sup>

As of this writing, the FCC has not yet issued a written order in the UNE Remand Proceeding. It has, however, issued a press release summarizing its decisions in that proceeding. Under the heading, "Network Elements that Must be Unbundled," the press release includes the following paragraph:

Signaling and Call-Related Databases. Incumbent LECs must unbundle signaling links and signaling transfer points (STPs) in conjunction with unbundled switching, and on a stand-alone basis. Incumbent LECs must also offer unbundled access to call-related databases, including, but not limited to, the Line Information database (LIDB), Toll Free Calling database, Number Portability database, **Calling Name (CNAM) database**, Operator Services/Directory Assistance databases, Advanced Intelligent Network (AIN) databases, and the AIN platform and architecture. The Commission found that incumbent LECs need not unbundle certain AIN software.<sup>4</sup>

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<sup>2</sup> In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Second Further Notice of Proposed Rulemaking (April 16, 1999).

<sup>3</sup> AT&T Corp. v. Iowa Utilities Board et al., 525 U.S. 366, 119 S. Ct. 721 (1999).

<sup>4</sup> Emphasis supplied. A Copy of the press release is attached to this Motion.

The Commission should, therefore, reconsider its decision not to treat the CNAM database as a UNE.

The Commission should further order BellSouth to demonstrate its costs of providing that service, so that the Commission can determine the appropriate charge for CNAM access. Specifically, the Commission should order BellSouth to submit an appropriate cost study, consistent with the FCC's rules on the pricing of UNEs,<sup>5</sup> so that the Commission can set the appropriate rate for CNAM access. In the interim, the Commission should require BellSouth to charge no more than its rate for LNP database queries, as recommended in MediaOne's brief herein.<sup>6</sup>

## II. THE COMMISSION SHOULD RECONSIDER ITS TREATMENT OF NETWORK TERMINATING WIRE.

MediaOne requests that the Commission reconsider its decision regarding network terminating wire in three respects, and clarify one other matter. The Commission should reconsider its determination that NTW is not to be treated as a UNE. The Commission should further reconsider its determination that MediaOne's proposed means of accessing NTW is not technically feasible, as well as its determination that MediaOne's proposal is "unrealistic" because it would give one carrier the ability to reconfigure another carrier's network. Finally, MediaOne asks that the Commission clarify the Order as it relates to BellSouth's proposal to require MediaOne to install a network interface device whenever it utilizes NTW to serve a customer.

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<sup>5</sup> 47 C.F.R. §51.501 et seq.

<sup>6</sup> Brief of MediaOne Florida Telecommunications, Docket No. 990149-TP (July 29, 1999), pp. 22-23.

If the Commission grants these requests for reconsideration and clarification, MediaOne believes the Commission will then conclude that it should order the parties to incorporate MediaOne's NTW proposal into the interconnection agreement.

A. The Commission Should Determine that NTW is a UNE.

Despite MediaOne's request that it do so, the Commission declined to make a ruling “whether or not BellSouth's NTW is a UNE” (Order, p. 13). MediaOne believes the Commission should reconsider that aspect of the Order.

The Communications Act creates two separate standards for determining whether a network element should be treated as a UNE. If an element is “proprietary,” access to the element must be “necessary.”<sup>7</sup> BellSouth has never claimed that NTW is “proprietary,” so the appropriate standard is whether –

The failure to provide access to such network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer.<sup>8</sup>

MediaOne witness Lane testified that no available technology gives MediaOne the practical ability to utilize its cable facilities within MDUs (Lane, T. 24:23-25). BellSouth made no effort to rebut that assertion. Nonetheless, the Commission determined that it need not rule on this issue because BellSouth had indicated in its Unbundled Network Terminating Wire MediaOne Information Package that it will provide NTW in Florida (Order, p. 13).

The Commission should reconsider this determination for at least two distinct reasons. First, BellSouth's current willingness to provide access to its NTW cannot negate the fact that NTW meets the standard for treatment as a UNE. The only relevant evidence in the record establishes that the absence of access to BellSouth's NTW would impair MediaOne's ability to

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<sup>7</sup> 47 U.S.C. §251(d)(2)(A).

provide telecommunications services to MDU residents. Given that, the Act affords no room for further inquiry.<sup>9</sup>

In any case, the FCC has determined that NTW is to receive UNE treatment. The press release summarizing the FCC's decisions in that proceeding states –

Subloops. Incumbent LECs must offer unbundled access to subloops, or portions of the loop, at any accessible point. Such points include, for example, a pole or pedestal, the network interface device, the minimum point of entry to the customer premises, and the feeder distribution interface located in, for example, a utility room, a remote terminal, or a controlled environment vault. If parties are unable to reach an agreement pursuant to voluntary negotiations about the technical feasibility of unbundling the loop at a specific point, the incumbent LEC will have the burden to demonstrate to the state that it is not technically feasible to unbundle the subloop at these points.

BellSouth has itself categorized NTW as a “loop subelement.”<sup>10</sup> BellSouth has proposed to grant MediaOne access to NTW at a wiring closet or garden terminal, and it cannot claim that unbundling at those points is not technically feasible.<sup>11</sup> There can thus be no question that, under the FCC's decision, NTW must be treated as a UNE.

For the reasons stated, the Commission should reconsider its decision and determine that NTW is an unbundled network element.

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<sup>8</sup> 47 U.S.C. §251(d)(2)(B).

<sup>9</sup> The Commission's determination seems to reflect a view that, so long as BellSouth provides access to its NTW, the absence of UNE status simply does not matter. That, however, is not the case. Section 251(c)(3) of the Communications Act not only requires incumbent LECs to provide access to UNEs, but also to provide nondiscriminatory access at any technically feasible point, and to provide that access on reasonable and nondiscriminatory terms. Section 252(d)(1) of the Act further prescribes how UNEs are to be priced. If the Commission does not treat NTW as a UNE, none of these provisions would necessarily apply, even if BellSouth does continue to provide NTW to its competitors. Moreover, the strength of BellSouth's commitment to continue providing NTW to its competitors is questionable, at best (Varner, T. 255:6-9).

<sup>10</sup> BellSouth Telecommunications, Inc. Brief of the Evidence, Docket No. 990149-TP (July 26, 1999), p. 19, fn. 2.

<sup>11</sup> MediaOne and BellSouth disagree as to the technical feasibility of MediaOne's proposed means of gaining access at the wiring closet and the garden terminal, but BellSouth has never

B. The Commission Should Reconsider Its Decision That MediaOne's Proposed Method of Access to NTW Is Technically Infeasible.

The parties to this proceeding proposed competing methods by which MediaOne would obtain access to BellSouth's NTW. MediaOne proposed that its technicians should have the ability to connect "jumper" wires between the cross-connect facility on which its network facilities terminate and the cross-connect facility terminating BellSouth's NTW (Beveridge, T. 12:22-14:8.) BellSouth proposes to place an additional "access" cross-connect facility between these two; after MediaOne's technician connects its cross-connect to the access cross-connect, a BellSouth technician will complete the connection between the access cross-connect and the NTW cross-connect (Milner, T. 6:11-7:13).

MediaOne objected to BellSouth's proposal because it would require MediaOne to pay for a BellSouth technician to perform work that MediaOne could perform itself without threatening the security and integrity of BellSouth's network. More important, BellSouth's proposal would require MediaOne to coordinate the schedule of its technicians with those of BellSouth's technicians, over whom MediaOne has no control. Given that BellSouth does not have to schedule and pay for a MediaOne technician when it provisions service to its own customers, MediaOne believes BellSouth's proposal is discriminatory.

BellSouth, on the other hand, objected to MediaOne's proposal, claiming it is not technically feasible, because MediaOne's technicians could "intentionally or unintentionally" disrupt BellSouth's service to its customers (Milner, T. 152:5-153:9). The Commission agreed, stating that "network reliability, integrity, and security could be impaired by giving competitors open access to BellSouth's terminals and wiring" (Order, p. 16, emphasis added).

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claimed that unbundling at those points is not technically feasible. Indeed, BellSouth's proposal for the provision of NTW involves unbundling at those locations.



The FCC addressed this very issue in the Local Competition Order.<sup>12</sup> There the FCC stated that while “[n]egative network reliability effects are necessarily contrary to a finding of technical feasibility,” the incumbent LEC “must prove to the state commission, with clear and convincing evidence, that specific and significant adverse impacts would result” (Local Competition Order, para. 203, emphasis added).

Here, the Commission has found only that MediaOne's proposal could impair BellSouth's network reliability, integrity, or security. That, however, is not the appropriate standard. The FCC requires “clear and convincing evidence” that network reliability will be impaired, but BellSouth presented no evidence to suggest (let alone prove) that MediaOne's proposal would result in network impairment, or that its technicians are more likely to disrupt BellSouth's network or services than are BellSouth's own technicians.<sup>13</sup> The Commission thus has no basis to conclude that MediaOne's proposal will compromise the integrity of BellSouth's network, and the Commission indeed did not make such a finding. Speculation that MediaOne's proposal might harm BellSouth's network is insufficient to sustain a finding of technical infeasibility and no justification for imposing a discriminatory UNE regime on MediaOne.

For that reason, the Commission should reconsider its determination that MediaOne's proposed method of accessing NTW is technically infeasible.

- C. The Commission Should Reconsider Its Statement That MediaOne's Proposed Method of Access to NTW Is “Unrealistic” Because It Involves the “Reconfiguration” of BellSouth's Network.

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<sup>12</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 11 FCC Rcd. 15499 (1996) (Local Competition Order).

<sup>13</sup> BellSouth claimed, for example, that MediaOne's technicians would have difficulty determining which NTW pairs are associated with what service (Milner, T. 179:23-180:2). Cross examination revealed, however, that MediaOne's technicians would have available to them the same means of identifying particular pairs that BellSouth's own technicians use (Milner, T. 216:5-217:13).

The Commission apparently rejected MediaOne's proposed method of access to NTW on the further basis that it would be "unrealistic" because MediaOne presented no evidence of any instance in which one carrier is able to "modify the configuration of another party's network without the owning party being present" (Order, p. 17). MediaOne believes the Commission should reconsider that determination.

To label the activities associated with MediaOne's proposal as "modifying" BellSouth's "network configuration" is surely a stretch. MediaOne witness Beveridge demonstrated those activities at hearing. They involve removing two jumper wires from a cross-connect facility and installing two jumper wires on that same facility, so MediaOne may use an NTW pair that BellSouth no longer has in service. The entire operation can be completed in a few minutes, as demonstrated by Mr. Beveridge at the hearing. No active part of BellSouth's network is affected by this operation.

There is nothing particularly unusual or "unrealistic" about carriers performing these sorts of operations on each other's facilities. Mr. Beveridge testified --

The arrangement proposed by MediaOne is very similar to rearrangement and maintenance access found between certified carriers at IXC/LEC points of presence, and connection activities between local exchange carriers. Both parties are responsible to safeguard customer service and networks. (Beveridge, T. 85:13-17)

Moreover, the specific rearrangements involved in MediaOne's proposal are routinely performed within MDUs in U S WEST territory (Beveridge, T. 89:22-90:4). Though these rearrangements are not within U S WEST's network (because U S WEST typically places the demarcation point at the minimum point of entry), they involve the same activities on the same sorts of facilities (Beveridge, T. 90:5-20).

The record thus establishes that carriers do indeed perform similar activities within each other's networks, and it establishes that carriers perform precisely the same activities on the same sorts of facilities without jeopardizing service. Thus, the record contains evidence to support MediaOne's proposal in this regard.

Finally, the Order does not explain why the Commission found the supposed absence of precedent for this sort of activity to be relevant, merely labeling it "unrealistic." The Commission did not state that it believed this makes MediaOne's proposal technically infeasible; in any case, nothing in the Communications Act indicates that carriers' ownership interests play any role in determining technical feasibility. The Act likewise does not sanction the use of those ownership interests to reject a technically feasible means of accessing a UNE. Nor does the Act suggest that those ownership interests can trump the express requirement for nondiscriminatory access to UNEs on reasonable, nondiscriminatory terms. MediaOne thus questions whether the absence of precedent can legally form the basis for rejecting MediaOne's proposal.<sup>14</sup>

D. The Commission Should Clarify that MediaOne Is Not Required to Install a Network Interface Device When It Uses BellSouth's NTW.

Though BellSouth typically does not install a network interface device (NID) in MDU units, it proposed that MediaOne should be required to do so whenever it utilizes BellSouth's NTW to serve an MDU resident; specifically, BellSouth would require MediaOne to install a "condominium NID," which enables the customer (without the intervention of a LEC technician) to switch the unit's inside wire between the loop facilities of two providers (see, Ex. 12, Att. 2, Sec. 4.1). This proposal by BellSouth was a part of its demand for near-exclusive use of the "first" NTW pair. If MediaOne were denied access to the first pair, the inside wire within an

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<sup>14</sup> Indeed, the focus of the 1996 Act is the introduction of local telephone competition, which inherently includes the notion that doing so will require innovative (perhaps experimental) steps.

MDU unit would need to be moved over to the NTW pair actually being used by MediaOne in order for the service to work. BellSouth argued that a condominium NID would facilitate such a move.

In the Order, however, the Commission correctly decided that BellSouth must allow MediaOne to use the first NTW pair unless BellSouth is actively using that pair itself (Order, pp. 17-18). Though this determination obviates any need for a condominium NID (or any other sort of NID), the Order does not expressly deal with BellSouth's proposal to require MediaOne to install a NID whenever it uses NTW to serve an MDU resident via BellSouth's NTW.

Therefore, MediaOne requests that the Commission clarify that it intended to reject BellSouth's proposal regarding the installation of NIDs, and that BellSouth may not require MediaOne to install a NID whenever it uses BellSouth's NTW to provide service.

### III. THE COMMISSION SHOULD PERMIT MEDIAONE TO FILE SUPPLEMENTAL AUTHORITY IN THIS MATTER.

As discussed above, the FCC's order in the UNE Remand Proceeding will significantly impact the Commission's decision in considering MediaOne's Motion for Reconsideration. Though the FCC has made its decisions in that proceeding, it has not yet released its actual order. When the FCC does issue this order, MediaOne will provide it to the Commission as quickly as possible.

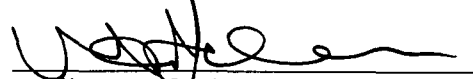
With leave of the Commission, MediaOne will also provide citations to the paragraphs in that order that bear on the issues in this proceeding.

CONCLUSION

For the reasons stated, MediaOne requests that the Commission reconsider the Order, as specified herein, and that it grant MediaOne leave to file supplemental authority when the FCC has issued its order in the UNE Remand Proceeding.

Respectfully submitted,

MediaOne Florida  
Telecommunications, Inc.



William B. Graham  
Fla. Bar No. 359068  
Graham, Moody & Sox, P.A.  
101 N. Gadsden Street  
Tallahassee, FL 32301  
(850) 222-6656

Susan Keesen  
Richard A. Karre  
188 Inverness Drive West, 6<sup>th</sup> Floor  
Sixth Floor  
Englewood, CO 80112  
(303) 858-3504

October 29, 1999

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MediaOne Florida  
Telecommunications, Inc. for arbitration of an  
interconnection agreement with BellSouth  
Telecommunications, Inc. pursuant to Section  
252(b) of the Telecommunications Act of  
1996.

DOCKET NO. 990149-TP

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion for Reconsideration and  
Request to File Supplemental Authority has been furnished by Hand Delivery to:

Lee Fordham, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

J. Phillip Carver  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, FL 32399

this 29th day of October, 1999.



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William B. Graham, Esq.  
Fla. Bar No. 359068  
Graham Moody & Sox, P.A.  
101 N. Gadsden Street  
Tallahassee, FL 32301  
(850) 222-6656

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# NEWS

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Washington, D.C. 20554

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FOR IMMEDIATE RELEASE  
September 15, 1999

NEWS MEDIA CONTACT  
Mike Balmoris (202) 418-0253

## FCC PROMOTES LOCAL TELECOMMUNICATIONS COMPETITION

### *Adopts Rules on Unbundling of Network Elements*

Washington, D.C. -- The Federal Communications Commission (FCC) adopted rules today that specify the portions of the nation's local telephone networks that incumbent local telephone companies must make available to competitors seeking to provide competitive local telephone service. This FCC decision removes a major uncertainty surrounding the unbundling obligations of the Telecommunications Act of 1996 and is expected to accelerate the development of competitive choices in local services for consumers. Unbundling allows competitors to lease portions of the incumbent's network to provide telecommunications services.

Today's order responds to a U.S. Supreme Court decision which generally affirmed the FCC's implementation of the pro-competition goals of the Telecommunications Act, but which required the Commission to re-evaluate the standard it uses to determine which network elements the incumbent local phone companies must unbundle.

Today's order adopts a standard for determining whether incumbents must unbundle a network element. Applying the revised standard, the Commission reaffirmed that incumbents must provide unbundled access to six of the original seven network elements that it required to be unbundled in the original order in 1996:

- (1) loops, including loops used to provide high-capacity and advanced telecommunications services;
- (2) network interface devices;
- (3) local circuit switching (except for larger customers in major urban markets);
- (4) dedicated and shared transport;
- (5) signaling and call-related databases; and,
- (6) operations support systems.

The Commission determined that it is generally no longer necessary for incumbent LECs to provide competitive carriers with the seventh element of the original list -- access to their operator and directory assistance services. The Commission concluded that the market has developed since 1996 to where competitors can and do self-provision these services, or acquire them from alternative sources.

The Commission also concluded, in light of competitive deployment of switches in the major urban areas, that, subject to certain conditions, incumbent LECs need not provide access to unbundled local circuit switching for customers with four or more lines that are located in the densest parts of the top 50 Metropolitan Statistical Areas (MSAs).

The Commission also addressed the unbundling obligations for network elements that were not on the original list in 1996. The Commission required incumbents to provide unbundled access to subloops, or portions of loops, and dark fiber optic loops and transport. In addition, the Commission declined, except in limited circumstances, to require incumbent LECs to unbundle the facilities used to provide high-speed Internet access and other data services, specifically, packet switches and digital subscriber line access multiplexers (DSLAMs). Given the nascent nature of this market and the desire of the Commission to do nothing to discourage the rapid deployment of advanced services, the Commission declined to impose an obligation on incumbents to provide unbundled access to packet switching or DSLAMs at this time. The Commission further noted that competing carriers are aggressively deploying such equipment in order to serve this emerging market sector.

Finally, the Commission also concluded that the record in this proceeding does not address sufficiently issues surrounding the ability of carriers to use certain unbundled network elements as a substitute for the incumbent LECs' special access services. The Commission therefore adopted a Further Notice of Proposed Rule Making (NPRM) seeking comment on these issues.

Action by the Commission, September 15, 1999, by Third Report and Order and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 96-98 (FCC 99-238). Chairman Kennard, Commissioners Ness and Tristani, with Commissioner Furchtgott-Roth concurring in part and dissenting in part and Commissioner Powell dissenting in part. Commissioners Ness, Furchtgott-Roth and Powell issuing statements.

-FCC-

Common Carrier Bureau Contacts:  
Carol Matthey , Claudia Fox, Jake Jennings at (202) 418-1580

Report No. CC 99-41

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## SUMMARY

### Network Elements that Must be Unbundled

- Loops. Incumbent local exchange carriers (LECs) must offer unbundled access to loops, including



high-capacity lines, xDSL-capable loops, dark fiber, and inside wire owned by the incumbent LEC. The unbundling of the high frequency portion of the loop is being considered in another proceeding.

- **Subloops.** Incumbent LECs must offer unbundled access to subloops, or portions of the loop, at any accessible point. Such points include, for example, a pole or pedestal, the network interface device, the minimum point of entry to the customer premises, and the feeder distribution interface located in, for example, a utility room, a remote terminal, or a controlled environment vault. If parties are unable to reach an agreement pursuant to voluntary negotiations about the technical feasibility of unbundling the loop at a specific point, the incumbent LEC will have the burden to demonstrate to the state that it is not technically feasible to unbundle the subloop at these points.
- **Network Interface Device (NID).** Incumbent LECs must offer unbundled access to NIDs throughout their service territory. The NID is a device used to connect loop facilities to inside wiring.
- **Circuit Switching.** Incumbent LECs must offer unbundled access to local circuit switching, except for switching used to serve end users with four or more lines in access density zone 1 (the densest areas) in the top 50 Metropolitan Statistical Areas (MSAs), provided that the incumbent LEC provides non-discriminatory, cost-based access to the enhanced extended link. (An enhanced extended link (EEL) consists of a combination of an unbundled loop, multiplexing/concentrating equipment, and dedicated transport. The EEL allows new entrants to serve customers without having to collocate in every central office in the incumbent's territory.)
- **Interoffice Transmission Facilities.** Incumbent LECs must unbundle dedicated interoffice transmission facilities, or transport, including dark fiber. Incumbent LECs must also unbundle shared transport (or interoffice transmission facilities that are shared by more than one carrier, including the incumbent) where unbundled local circuit switching is provided.
- **Signaling and Call-Related Databases.** Incumbent LECs must unbundle signaling links and signaling transfer points (STPs) in conjunction with unbundled switching, and on a stand-alone basis. Incumbent LECs must also offer unbundled access to call-related databases, including, but not limited to, the Line Information database (LIDB), Toll Free Calling database, Number Portability database, Calling Name (CNAM) database, Operator Services/Directory Assistance databases, Advanced Intelligent Network (AIN) databases, and the AIN platform and architecture. The Commission found that incumbent LECs need not unbundle certain AIN software.
- **Operations Support Systems (OSS).** Incumbent LECs must unbundle OSS throughout their service territory. OSS consists of pre-ordering, ordering, provisioning, maintenance and repair, and billing functions supported by an incumbent LEC's databases and information. The OSS element includes access to all loop qualification information contained in any of the incumbent LEC's databases or other records needed for the provision of advanced services.

#### **Network Elements that Need Not be Unbundled.**

- **Operator Services and Directory Assistance (OS/DA).** Incumbent LECs are not required to unbundle their OS/DA services pursuant to section 251(c)(3), except in the limited circumstance where an incumbent LEC does not provide customized routing to a requesting carrier to allow it to route traffic to alternative OS/DA providers. Operator services are any automatic or live assistance to a consumer to arrange for billing or completion of a telephone call. Directory assistance is a service that allows subscribers to retrieve telephone numbers of other subscribers. Incumbent LECs,

however, remain obligated under the non-discrimination requirements of section 251(b)(3) to comply with the reasonable request of a carrier that purchases the incumbents' OS/DA services to rebrand or unbrand those services, and to provide directory assistance listings and updates in daily electronic batch files.

- **Packet Switching.** Incumbent LECs are not required to unbundle packet switching, except in the limited circumstance in which a requesting carrier is unable to install its Digital Subscriber Line Access Multiplexer (DSLAM) at the incumbent LEC's remote terminal, and the incumbent LEC provides packet switching for its own use. Packet switching involves the routing of individual data message units based on address or other routing information and includes the necessary electronics (e.g., DSLAMs).

### **Modification of the National List.**

- The Order recognizes that rapid changes in technology, competition, and the economic conditions of the telecommunications market will require a reevaluation of the national unbundling rules periodically. In order to encourage a reasonable period of certainty in the market, the Commission expects to reexamine the national list of unbundled network elements in three years.
- The Order permits state commissions to require incumbent LECs to unbundle additional elements as long as the obligations are consistent with the requirements of section 251 and the national policy framework instituted in this Order. The Order further concludes that the goals of the Act will better be served if network elements are not removed from the unbundling obligations of the Act on a state-by-state basis, at this time.

### **Combinations of Network Elements.**

- Pursuant to section 51.315(b) of the Commission's rules, incumbent LECs are required to provide access to combinations of loop, multiplexing/concentrating equipment and dedicated transport if they are currently combined.
- The Order does not address whether an incumbent LEC must combine network elements that are not already combined in the network, because that issue is pending before the Eighth Circuit Court of Appeals.

### **Further Notice: Use of Unbundled Network Elements to Provide Exchange Access Service.**

- The Commission sought comment on the legal and policy bases for precluding requesting carriers from substituting dedicated transport for special access entrance facilities.