

Media Contacts

Will Rodger
LMG Inc.
202-334-1128
will@lawmedia.net

Gail Norris
COMPTTEL
202-296-6650
gnorris@comptel.org

Coalition of Communications Providers Seek Rules from FCC to Prevent Bell Companies from Impeding Access to Networks

Enforcement of Bells' Legal Obligations Would Fuel Robust Growth in Broadband Services

Washington, D.C. – November 9, 2009 – The Section 271 Coalition – a group of eight competitive communications providers and COMPTTEL – today asked the FCC to adopt rules to enforce legal obligations on the Bell Operating Companies (BOCs) to open their networks to competition. The Coalition believes that years of lax regulatory oversight has resulted in a far less robust competitive environment than could have existed, raised consumer prices, harmed innovation, and stunted deployment of broadband and narrowband services alike.

Broadband deployment is a top priority for both Congress and the Administration. The Section 271 Coalition believes that now is the time for the FCC to act on this issue. The Coalition's Petition for Expedited Rulemaking released today proposes clear requirements for access to each network element specified in Section 271 of the 1996 Telecommunications Act. It also proposes a clearer definition for the "just and reasonable" rate standard the FCC has previously determined applies to these elements.

Specifically, the Coalition suggests adopting rules that:

- Clearly define the requirements that must be satisfied to ensure that Section 271 elements are provided on a just and reasonable and non-discriminatory manner;
- Establish a safe-harbor contribution level to ensure that Section 271 element rates are just and reasonable; and
- Set forth the filing requirements for the principal administrative device – a federally filed Statement of Generally Available Terms of Conditions (SGAT) – needed to ensure compliance with Section 271 network element obligations.

The full Petition for Expedited Rulemaking can be found online at

[http://comptel.org//Files/filings/2009/Petition for Expedited Rulemaking 11-09-09.pdf](http://comptel.org//Files/filings/2009/Petition_for_Expedited_Rulemaking_11-09-09.pdf)

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Supporting Quotes:

- **Mary Albert, Assistant General Counsel, COMPTEL**
“Although it has been six years since the last of the Bell Operating Companies was granted authority to provide long distance service, the FCC has yet to adopt any rules to ensure that the BOCs provide competitors with access to their networks pursuant to their Section 271 obligations, which was a critical condition attached to the privilege of competing in the long distance market. We filed this Petition to jumpstart the process of getting such rules in place and are hopeful that the FCC will act expeditiously in resolving this matter.”
- **Doug Carlen, Senior Vice President and General Counsel, Covad Communications Company**
“As corporate America recovers from the worst economic downturn in decades, healthy broadband competition will ensure businesses of all sizes have access to high-quality communications services at globally competitive rates. This competition requires continued access to incumbent phone companies’ middle and last mile facilities because, in most cases, it is not economically feasible for competitive providers to replicate these facilities and there are no viable alternatives to the incumbents’ networks. As policymakers seek ways to extend the reach of broadband services throughout the country, they must consider the tremendous positive impact that would result from enforcement of existing BOC access requirements.”
- **William Haas, Vice President of Public Policy and Regulatory, PAETEC Holding Corp.**
“The Telecom Act of 1996 has been successful in beginning to open local markets to competition, but due to inconsistent enforcement, the largest BOCs have enjoyed significant strategic advantages over their competitors. A competitive marketplace with fair access to the incumbent phone companies’ networks will ultimately benefit businesses and consumers of all sizes through lower rates and innovation. This Petition asks the FCC to restore the balance which the Telecom Act was meant to provide by affording all telecommunications carriers with access to the loops, transport, and switching they need to deliver voice, data and broadband services to consumers.”

Background Resources:

- “Next Generation Connectivity: A Review of Broadband Internet Transitions and Policy from Around the World,” from the Berkman Center for Internet and Society at Harvard University
http://www.fcc.gov/stage/pdf/Berkman_Center_Broadband_Study_13Oct09.pdf

About The Section 271 Coalition

The Section 271 Coalition is comprised of 360networks (USA) inc., Broadview Networks, Inc., Cbeyond, Inc., COMPTEL, Covad Communications Company, NuVox, PAETEC Holding Corp., Sprint Nextel Corporation, and tw telecom inc. These organizations have united to ensure that the Bell Operating Companies fulfill their legal obligation to provide telecommunications carriers access to critical parts of the BOC network necessary for the continued, robust growth of broadband and narrowband services alike.