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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Computer III Further Remand Proceedings:)	CC Docket No. 95-20 ✓
Bell Operating Company Provision of Enhanced Services)	
)	
1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements)	CC Docket No. 98-10
)	

ORDER

Adopted: December 9, 1999

Released: December 17, 1999

By the Commission:

I. INTRODUCTION AND BACKGROUND

1. The Commission has before it a petition for reconsideration, filed on April 26, 1999, by the Commercial Internet eXchange Association (CIX).¹ CIX seeks reconsideration of a March 24, 1999, Order by the Commission in the above-captioned dockets.² On July 12, 1999, Bell Atlantic and SBC Communications, Inc. (SBC) filed oppositions to the CIX petition for reconsideration. Both CIX and BellSouth Corporation replied to those oppositions on July 27, 1999.

2. In the *Computer III Remand Order*, the Commission addressed, *inter alia*, the requirement that Bell Operating Companies (BOCs) file service-specific Comparably Efficient Interconnection (CEI) plans for information services that are offered on an integrated basis through the regulated entity and obtain approval of those plans prior to initiating or altering their intraLATA information services.³ The Commission concluded in that order that although the BOCs must continue to comply with their CEI

¹ Petition for Reconsideration and Clarification, filed by Commercial Internet eXchange Association, Apr. 26, 1999 (CIX Petition)

² *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services*, CC Docket No. 95-20; *1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements*, CC Docket No. 98-10, Report and Order, 14 FCC Rcd 4289 (1999) (*Computer III Remand Order*).

³ In these CEI plans, which address nine separate parameters, the BOC must explain how it would offer to competitive information service providers, on a non-discriminatory basis, all the underlying basic services that the BOC uses to provide its own information service offering. See Amendment of Section 64.702 of the Commission Rules and Regulations, Report and Order, CC Docket No. 85-229, Phase I, 104 FCC 2d 958, 1035-1042, paras. 147-166 (1987).

obligations, they should no longer be required to file or obtain pre-approval of CEI plans and plan amendments before initiating or altering their intraLATA information services. Instead, we required the BOCs to "post on their publicly accessible Internet page, linked to and searchable from the BOC's main Internet page, their CEI plan for any new or altered intraLATA information service offering, and to notify the Common Carrier Bureau upon such posting."⁴

3. In its petition for reconsideration, CIX seeks clarification or reconsideration of two aspects of the *Computer III Remand Order*. CIX first asks that the Commission establish that incumbent LECs must disclose in advance and via their Internet websites the planned deployment of digital subscriber line access multiplexers (DSLAMs) on a wire-center basis, and provide adequate prior notice on the status of line conditioning for a given customer or group of customers. Information on the deployment of broadband telecommunications, CIX continues, should be available to all competing information services providers (ISPs), and should not be used as a means to favor the incumbent's affiliated ISP.⁵ CIX also asks that the Commission clarify that the BOCs are obligated to post a complete copy of all their CEI plans – both existing and new plans and plan amendments -- on their websites, so that all ISPs have ready information available concerning interconnection with the BOC's "last mile" network.⁶

II. DISCUSSION

4. The Commission has reviewed the initial request made by CIX in its petition – that we clarify our network information disclosure rules to require incumbent local exchange carriers to provide information regarding DSLAMs and line conditioning to ISPs. CIX essentially asks the Commission to clarify that section 251(c)(5) of the Communications Act⁷ and the rules implementing that section⁸ require disclosure of such information. Under the network disclosure rules in section 251 (c) (5), ISPs will have access to the same information from incumbent local exchange carriers that they received under the Computer II and Computer III rules that were eliminated in the *Computer III Remand Order*. The question of whether to expand the network disclosure rules as CIX requests was not raised in the Further Notice of Proposed Rulemaking in CC Docket No. 95-20, the *Computer III Further Remand Proceeding*.⁹ Accordingly, we do not adopt additional requirements in this reconsideration.

⁴ *Computer III Report and Order*, 14 FCC Rcd at 4297, ¶ 12.

⁵ CIX Petition at 3-8.

⁶ *Id.* at 8-9.

⁷ 47 U.S.C. § 251(c)(5).

⁸ 47 C.F.R. § 51.325.

⁹ *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services*, CC Docket No. 95-20: 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Docket No. 98-10. Further Notice of Proposed Rulemaking, 13 FCC Rcd 6040 (1998).

5. Nevertheless, we note that, under section 251(c)(5) and the Commission's regulations, incumbent LECs are required to disclose at a minimum "complete information about network design, technical standards and planned changes to the network."¹⁰ In addition, we reemphasize that, if a carrier fails to disclose network information that enables other entities to interconnect to the carrier's telecommunications facilities and services in a just and reasonable manner, such action would violate section 201 of the Act.¹¹ In addition, the BOCs are still subject to our Computer III rules, which require that they provide Internet service providers with nondiscriminatory access to their telecommunications services.

6. CIX next requests that the Commission clarify or, if necessary, reconsider that the BOCs are obligated to post on their websites a complete copy of all their CEI plans -- rather than merely a copy of "new or altered" plans. We grant this request. In the *Computer III Remand Order*, the Commission gave a number of reasons why CEI plans for new or altered intraLATA information services should be made available on the BOCs' Internet pages.¹² We noted, for example, that CEI plans provide useful information that is either not available, or not available in as much detail, from other sources, and that CEI plans present this information in a more usable form than is otherwise available to ISPs.¹³ We further noted that the existence of CEI plans helps the Commission enforce compliance with BOC interconnection obligations.¹⁴ We conclude that the same reasons we gave for requiring CEI plans for new or altered services to be posted on the Internet are equally applicable to the BOCs' current CEI plans. As CIX notes in its petition, it is important for all current CEI plans to be available on the BOCs' websites, including those previously approved and still effective plans. Otherwise, it would be difficult for the ISPs to get information regarding plans filed with the Commission under the prior CEI regime. Moreover, we do not believe that requiring the BOCs to post all their effective plans and effective plan amendments -- both old and new -- is unduly burdensome, especially given the benefit of having all these plans available in one, easily accessible location. Accordingly, we require that the BOCs post all their existing and new CEI plans and plan amendments on their Internet websites and notify the Common Carrier Bureau at the time of the posting.

¹⁰ Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19479, ¶ 188.

¹¹ 47 U.S.C. § 201.

¹² See *Computer III Remand Order*, 14 FCC Rcd at 4297-4302, ¶¶ 13-17.

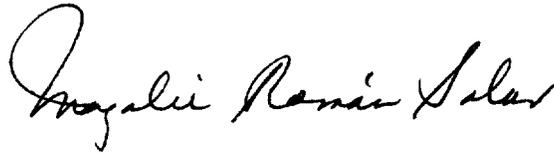
¹³ *Id.* at 4299, ¶ 14.

¹⁴ *Id.* at 4300, ¶ 15.

III. ORDERING CLAUSE

7. Accordingly, IT IS ORDERED that the petition for reconsideration and clarification filed by the Commercial Internet eXchange Association IS GRANTED IN PART and IS DENIED IN PART, to the extent discussed above.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Magalie Roman Salas". The signature is written in a cursive style with a large initial "M".

Magalie Roman Salas
Secretary