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PLEADING CYCLE ESTABLISHED FOR COMMENTS
ON THE NYNEX TELEPHONE COMPANIES' PETITION
FOR DECLARATORY RULING REGARDING AT&T'S NEW
NETWORK INTERCONNECTION POLICY

CCBPol 95-20

CORRECTION

Released: November 9, 1995

On November 3, 1995, the NYNEX Telephone Companies (NYNEX) filed a Petition for Declaratory Ruling that AT&T's new network interconnection policy violates Sections 201, 202, and 203 of the Communications Act. NYNEX states that, pending resolution of this matter, the Commission should prohibit AT&T from requiring NYNEX to comply with AT&T's new network interconnection policy.

NYNEX states that AT&T notified it, on March 13, 1995, of changes in AT&T's network interconnection policy that alter the terms and conditions of interconnection arrangements that have existed between AT&T and local exchange carriers since divestiture. According to NYNEX, the new rules prohibit NYNEX from using the same network equipment to provide access to all NYNEX customers, requiring NYNEX instead to deploy separate equipment to provide access services to customers other than AT&T at each of AT&T's Points of Presence (POPs). NYNEX states that AT&T's new policy also requires NYNEX to pay AT&T for the space and power that NYNEX needs in order to provide access services to customers that wish to interconnect with AT&T at AT&T's POPs.

NYNEX argues that AT&T's new policy violates Section 201 of the Communications Act because it unreasonably requires NYNEX to bifurcate its network in order to service two distinct access arrangements: one where AT&T provides total access service to the customer and one where the customer uses both AT&T and NYNEX access switches. NYNEX claims that AT&T's policy will add significant, unnecessary costs and inefficiencies to the operation and maintenance of NYNEX's network. NYNEX also argues that AT&T is not allowed to charge NYNEX for space and power, and that the Commission, should it decide that AT&T is entitled to additional

compensation for the provision of space and power at its POPs, should require AT&T, pursuant to Section 203 of the Communications Act, to file appropriate tariffs or contracts. NYNEX further argues that AT&T's new policy violates Section 202 of the Communications Act because it unreasonably discriminates against access customers. NYNEX also claims that AT&T's new policy will negatively affect competition.

Interested parties should file comments on the NYNEX Telephone Companies' petition by **December 11, 1995** and reply comments by **December 29, 1995** with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. A copy should also be sent to Janice Myles, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, and to the Commission's contractor for public service records duplication: ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Parties filing comments in this non-docketed proceeding should include the Policy Division internal reference number, CCBPol 95-20 on their pleadings. The NYNEX Telephone Companies' petition is available for inspection and copying in the Industry Analysis Division reference room, Common Carrier Bureau, Room 533, 1919 M Street, N.W., Washington, D.C. 20554. Copies can also be obtained from ITS at (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's ex parte rules. See generally 47 C.F.R. §§ 1.1200-1.1216. For further information contact Janice Myles, Policy and Program Planning Division of the Common Carrier Bureau, at (202) 418-1577.

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