

**Amendment to BellSouth Comparably Efficient Interconnection Plans for
Gateway Services and Synchronous Protocol Processing Services
(August 26, 1997)**

Attached is a copy of the August 26, 1997 amendment to BellSouth's Comparably Efficient Interconnection Plans for Gateway Services and Synchronous Protocol Processing Services. Information relating to tariffed services referenced in this plan is available at <http://cpr.bst.bellsouth.com/index2.html>.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
BellSouth Plan for)
Comparably Efficient Interconnection)
for Gateway Services)
)
BellSouth Plan for)
Comparably Efficient Interconnection)
for Synchronous Protocol Processing Services)

**AMENDMENT TO BELLSOUTH CEI PLANS AND
REQUEST FOR LIMITED WAIVER**

BellSouth Corporation, on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), and pursuant to the Common Carrier Bureau's ("Bureau") *Interim Waiver Order*,¹ hereby amends BellSouth's Comparably Efficient Interconnection Plans for Gateway Services and for Synchronous Protocol Processing Services.² This amendment adds DataReach Service to the list of basic services that BellSouth may use in the offering of enhanced services covered by the two Plans. DataReach Service is tariffed and available in all BellSouth states, but is not presently available in an interstate tariff. As explained below, however, BellSouth has requested a Part 69

¹ *Bell Operating Companies' Joint Petition for Waiver of Computer II Rules*, 10 FCC Rcd 1724 (1995) ("*Interim Waiver Order*").

² *See, BellSouth Plan for Comparably Efficient Interconnection for Gateway Services*, 4 FCC Rcd 4524 (1989); *BellSouth Plan for Comparably Efficient Interconnection for Synchronous Protocol Processing Services*, 4 FCC Rcd 1560, amended, 4 FCC Rcd 6825 (1989); *Bell Operating Companies Joint Petition for Waiver of Computer II Rules*, 10 FCC Rcd 13758 (1995).

waiver to file an appropriate interstate tariff for the service, but to date that request has not been acted upon. Accordingly, BellSouth hereby requests an interim waiver of the Commission's requirement for federal tariffing of CEI services until BellSouth has authority to make that tariff filing. Without such an interim waiver, BellSouth will remain unable to use in its own enhanced service operations a service that has for some time been available to all other enhanced service providers.

The Amendment

DataReach Service uses Advanced Intelligent Network ("AIN") technology to permit on-line information service providers to offer their customers LATA-wide, "local" access to their data networks using a single, seven-digit telephone number throughout BellSouth's region. End user calls to the seven-digit number are routed to the subscribing service provider's designated location within the end user's LATA, based on the wire center from which the call originates. DataReach Service thus allows a data service provider to offer its customers more ubiquitous access to the provider's data network, with all transport charges billed to the data service provider. DataReach Service is presently available under state tariffs in all of BellSouth's nine states, and has been available for more than a year in seven of those states.³ Copies of the respective state tariffs are included in Attachment A. BellSouth hereby amends its aforementioned CEI Plans to establish DataReach Service as a basic service BellSouth may use in providing enhanced services covered by those Plans.⁴

³ The first anniversary date for the remaining two states will occur within the next two weeks.

⁴ In the normal course, this amendment to add a new underlying basic service would be considered minor and would take effect upon 14 days' notice in the absence of action by the Commission staff. *See, Interim Waiver Order*, 10 FCC Rcd at 1730 n.71 ("In the past, minor amendments to CEI plans were generally deemed approved after 14 days of filing with the Bureau

Request for Waiver

The Commission requires basic services used by BOCs' enhanced service operations to be available in effective federal tariffs. For the reasons and under the circumstances described below, however, BellSouth asks that the Bureau temporarily waive that requirement.

As the Commission has recognized previously,⁵ the tariffing of new unbundled switched access elements in interstate access tariffs requires a waiver of the Commission's Part 69 rules.⁶ In accordance with this requirement, on December 8, 1995, BellSouth filed a Petition for Expedited Waiver of Part 69 Rules⁷ "to establish switched rate elements to support tariffs for applications which BellSouth intends to develop utilizing capabilities being made available by [BellSouth's open AIN platform]," which itself was also a subject of the Part 69 waiver request.⁸ DataReach Service was among a list of six such applications BellSouth identified⁹ as being "specifically developed to meet enhanced service providers' and interexchange carrier service

unless problems were identified by the staff.") In the instant case, because of the present lack of a federal tariff for DataResearch Service, BellSouth will not consider this amendment to be effective until that requirement has been waived or met.

⁵ See, *Amendment of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture*, 6 FCC Rec 4524, 4527 (1991) (*Part 69/ONA Order*).

⁶ 47 CFR § 69.1 *et seq.*

⁷ A copy of BellSouth's Waiver Petition is included as Attachment B.

⁸ Waiver Petition 9. BellSouth described its open AIN platform as "offer[ing] third party service providers access to AIN signaling messages through BellSouth's SMS capabilities and Basic AIN Programmability tool-kit ('BAP tool-kit')...[and] provid[ing] third parties the ability to access and respond to trigger messages, queries, call control commands or information exchange messages...to develop a variety of end user AIN applications." *Id.* at 2-3.

⁹ In the Waiver Petition, DataReach Service is referred to generally as "LATA-wide Access to ESP Data Networks." Waiver Petition at 11.

requests.”¹⁰ Notwithstanding the Commission’s seeming concurrence in the *Part 69/ONA Order* with parties’ contentions that the Part 69 waiver requirement would not lead to significant procedural delays,¹¹ however, BellSouth’s request for expedited consideration has now been before the Commission for more than twenty months.

This circumstance leaves BellSouth in an untenable position. The Commission requires BellSouth to have an effective federal tariff for DataReach Service before BellSouth’s enhanced service operations can use that service. Before BellSouth can file such a tariff, however, it must obtain a waiver of the Part 69 rules. Yet, BellSouth’s request for waiver of those rules has not been acted upon, going on two years now.

Meanwhile, DataReach Service is available under effective state tariffs in all nine of BellSouth’s states. As a result of the Commission’s access charge exemption for ESPs, the state tariffed service is thus available to all other ESPs for both their interstate and intrastate needs.¹² Only BellSouth is deprived of the use of this service, for the reasons described in the preceding paragraph. Thus, BellSouth seeks a waiver to permit it to do only what other ESPs are, and for a year have been, able to do.

¹⁰ Waiver Petition at 10.

¹¹ *Part 69/ONA Order at*, 6 FCC Rcd at 4526.

¹² Because of the exemption, it is unlikely that ESPs will buy the service out of the federal tariff even when available. Thus, waiver of the federal tariffing requirement pending a grant of the Part 69 waiver request would cause no harm to anyone because it would not operate to deprive them of a service they otherwise expect or need. Rather, it would merely permit BellSouth to use the same array of services that are available to others. BellSouth would still expect to file an appropriate federal tariff upon grant of the Part 69 waiver.

The requested waiver of the CEI federal tariffing requirement would be of limited duration only. Upon waiver of the Part 69 rules, BellSouth would file an appropriate federal tariff. Upon that tariff becoming effective, the instant waiver would expire.

Request for Expedited Consideration

BellSouth has done all that it is required to do and all that it is able to do to meet the Commission's CEI federal tariffing requirement. Under the circumstances described herein, BellSouth respectfully asks the Commission to avert any further undue delay in BellSouth's ability to use DataReach Service under the same conditions as any other provider and to act expeditiously in granting this limited waiver of the CEI federal tariffing requirement.¹³

CONCLUSION

BellSouth hereby amends its CEI Plans for gateway and protocol processing services to add DataReach Service to the list of basic services included in those plans. Further, for the reasons set forth herein, BellSouth urges the Commission expeditiously to grant a temporary

¹³ Alternatively, the Commission should grant BellSouth's outstanding Part 69 Waiver Request -- or at least that portion of it that pertains to DataReach Service -- so that BellSouth can file a federal tariff for DataReach Service and meet the CEI requirement.

waiver of the federal tariff filing requirement so that BellSouth may actually use DataReach Service, which is already available to all other ESPs.

Respectfully submitted,

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