

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

Rulemaking by the Department of Telecommunications and Energy, pursuant to 220 CMR §§ 2.00 *et seq.* to promulgate regulations governing an expedited dispute resolution process for complaints involving competing telecommunications carriers as 220 CMR §§ 15.00 *et seq.*

D.T.E.  
00-39

**REPLY COMMENTS OF  
AT&T COMMUNICATIONS OF NEW ENGLAND, INC.**

Pursuant to the June 5, 2000 Order Instituting Rulemaking, AT&T Communications of New England, Inc. ("AT&T") hereby files reply comments concerning the proposed regulations establishing an expedited dispute resolution process. AT&T urges the Department to reject Bell Atlantic-Massachusetts' ("BA-MA") proposal that a party be allowed veto power over use of this expedited dispute resolution process. In addition, AT&T has attached a timeline demonstrating how the proposed process could be made even more efficient and urges the Department to adopt this more efficient schedule.

**I. Any Party Should Be Able to Initiate the Expedited Process Without Having to Obtain the Consent of the Opposing Party.**

The proposed regulations properly allow "any party" to seek to have a complaint handled on the Accelerated Docket. BA-MA seeks to gut the entire expedited dispute resolution process by requiring that both parties to the dispute consent to use of the Accelerated Docket. BA-MA's suggestion should be rejected because it would allow one party to exert veto power over the use of this process. Indeed, requests for this expedited process will most often involve situations where the problem at issue is adversely affecting the ability of the party seeking expedited relief to provide telecommunications service. In that situation, the other party, which will most often be BA-MA, will have a competitive incentive to delay resolution of the problem. Requiring consent of both parties, as proposed by BA-MA, will allow a party that has been delaying or deferring resolution of a problem to continue that pattern by refusing to consent to use of the Accelerated Docket.

The proposed regulations, by requiring that the Department make an express determination that the matter is appropriate for the Accelerated Docket, already give the Department discretion to determine that the Accelerated Docket hearing process will not be used for a particular dispute. Any legitimate objections that a party has to use of the expedited process thus can be explained to the Department before it makes the decision whether to use the accelerated hearing process.

## **II. The Accelerated Docket Process can be Made More Efficient.**

As AT&T explained in its Initial Comments and at the Public Hearing on July 7, 2000, the Accelerated Docket will be most useful in facilitating competition for telecommunications services if it achieves a speedy resolution of the issue presented. Under the proposed regulations, the Department staff decision would not be issued until more than 85 days after the issue is first brought to the Department. In order to shorten that period, AT&T proposes that the informal mediation process proceed concurrently with the initial complaint and answer stage of the Accelerated Docket process. Such written submission will not be burdensome on either party and the information provided should assist the Department in its efforts to mediate the issue.

As the hearing officer requested at the July 7, 2000 Public Hearing, attached is a timeline demonstrating how the schedule proposed by AT&T would work. The informal mediation period would be the same as provided in the proposed regulations, the parties would have the same time to prepare for the hearings and the Department staff would also have the same time after the hearing to prepare the recommended decision. AT&T's schedule, however, would provide for a Department decision within 60 days of the process being initiated. Resolving a dispute in two months, rather than three, will benefit all parties, as well as consumers.

### **Conclusion**

AT&T supports the establishment of an Accelerated Docket and encourages the Department to promulgate such regulations. The modifications proposed by AT&T in both its initial and reply comments - providing for preliminary relief, defining "days," clarifying that this process does not supersede the dispute resolution procedure in interconnection agreements, and shortening the overall process - will help make the process work more efficiently to further the Department's goal of facilitating increased competition for telecommunications services.

Respectfully submitted,

**AT&T COMMUNICATIONS OF NEW ENGLAND, INC.**

By its attorneys,

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Dated: July 21, 2000

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on July 21, 2000.

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