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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
717 14TH STREET, N.W., WASHINGTON, D.C. 2005

ORDER

April 6, 2000

Formal Case No. 992, In the Matter of the Investigation into the Availability of Advanced Telecommunications Services in the District of Columbia, Order No. 11635

By this Order, the Public Service Commission of the District of Columbia ("Commission") hereby institutes a general investigation into the availability of advanced telecommunications services in the District of Columbia.

BACKGROUND

On March 2, 2000, Councilmember Sharon Ambrose referred to the Commission a letter she received from a local business customer who was dissatisfied with Bell Atlantic-Washington, D.C. Inc.'s ("BA-DC") explanation as to why BA-DC could not connect his business to a competitor's DSL service. That same day, the Office of People's Counsel ("OPC") filed a petition with the Commission requesting that the Commission open a proceeding to determine the availability of BA-DC's and other competitive providers' advanced telecommunications services.¹ On March 27, 2000, BA-DC filed its response to OPC's Petition.² In addition the Commission has informally received numerous expressions from customers about the deployment of high speed communications.

Pursuant to D.C. Code Ann. § 43-1452 (k)(10), the Commission is charged with developing strategies necessary to "implement the mandate to state commissions contained in § 706 of the federal Telecommunications Act of 1996 to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans." The Federal Communications Commission has defined the term "advanced telecommunications capability" to mean "having the capability of supporting, in both the provider-to-consumer (downstream) and the consumer-to-provider (upstream) directions, a speed in excess of 200

¹ Petition of the Office of the People's Counsel Requesting the Public Service Commission to Direct Bell Atlantic-Washington, D.C. Inc. to Develop a Public Record Explaining Why Advanced Telecommunication Services (e.g., ADSL) are Not Available to All Consumers in the District of Columbia and to Hold a Public Hearing on New Advanced Telecommunication Services in the District of Columbia, filed March 2, 2000 ("OPC's Petition").

² Bell Atlantic-Washington, D.C., Inc.'s Response to the Petition of the Office of the People's Counsel, filed March 27, 2000 (BA-DC's Response). BA-DC alleges that while Asynchronous Digital Subscriber Line ("ADSL") is available in all BA-DC's central office, technical limitations prevent approximately 15% of District residents from receiving the service.

kilobits per second (Kbps) in the last mile.”³ As traffic along the information highway speeds up, there is no question that those who lack access to advanced telecommunications capability will be increasingly disadvantaged. This is not only true for residential customers, but also for businesses that are heavily dependent on the Internet for research, electronic commerce and quick and reliable data transmission.

In order to develop strategies to encourage the deployment of advanced telecommunications services, we first need to determine the current state of deployment. Therefore, BA-DC, OPC, the District government, local exchange carriers, cable companies, trade associations, businesses, consumer groups, individual consumers, other competitive providers of advanced telecommunications services and other interested parties are requested to respond to the following questions:

- 1) In what areas have advanced telecommunications capability been deployed?
- 2) What areas are currently being served?
- 3) What companies offer advanced telecommunications services?
- 4) How many customers use these services?
- 5) What technologies are emerging with deployment of high speed services?
- 6) Do customers currently need access to speeds in excess of 200 Kbps for both upstream and downstream directions?
- 7) Has overall deployment been reasonable, timely and reasonably balanced around the District?
- 8) Are the number of facilities keeping pace with customer demand?
- 9) Are there problems with congestion?
- 10) What factors limit access to advanced services?
- 11) What problems, if any, are there in connecting one carrier's customers with another carrier's advanced telecommunications services?

³ Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, Report, 14 FCC Rcd at 2406 (1999).

12) What steps should the Commission take to increase access to advanced services in residence, small commercial enterprises, large commercial enterprises and government facilities?

13) What barriers, if any, are there for new entrants to provide these services, especially to residential customers and small businesses and how can they be removed?

14) Are advanced telecommunications services equally available to persons with disabilities; and, if not, what can be done to increase their access?

15) If advanced telecommunications services have not been fully deployed, is there a timetable for deployment in the District?

16) Are there any other relevant issues which we should address to assess the current state of deployment? If so, please list them.

The Commission seeks detailed explanations for all responses.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Commission Secretary shall open a formal docket to investigate the availability of advanced telecommunications in the District of Columbia.
2. Interested parties shall have until May 24, 2000, to file comments in response to this Order.
3. Reply comments shall be filed by June 26, 2000.
4. An informational hearing will be held on July 7, 2000, at 10:00 A.M. in the Commission's hearing room, 1333 H Street, N.W., 7th Floor.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

CHIEF CLERK


JESSE P. CLAY
COMMISSION SECRETARY