

TR41.9/00-02-005

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

In the Matter of)
)
ALCATEL USA, INC.)
) File No. NSD-L-99-81
Petition for Waiver of Section 68.308(e)(1))
of the Commission's Rules)

To: Chief, Network Services Division, Common Carrier Bureau

REPLY TO COMMENTS ON PETITION FOR WAIVER

1. Alcatel USA, Inc. ("Alcatel")¹ manufactures the Model 1000 ADSL modem.² Alcatel filed the above-captioned Petition for Waiver ("Petition") of the out-of-band signal power limitations contained in Section 68.308(e)(1) of the Commission's rules³ so that it

¹Alcatel is a wholly-owned subsidiary of Alcatel, N.V., one of the world's largest corporations and one of the world's largest manufacturers and suppliers of telecommunications equipment, including high-speed data modems. Alcatel's equipment is used for a wide range of services, including short, medium and long-haul voice, video and data transmission. Its customers include all the Bell Operating Companies, most major independent telephone companies, competitive local exchange carriers, interexchange carriers, cellular operators, power and other utility companies, oil companies, railroads, industrial companies, and state and local government agencies.

²Alcatel's Model 1000 ADSL modem is metallic channel equipment. It provides high bit-rate digital transmission concurrent with analog voice transmission over a single telephone line. This equipment primarily is used to connect single end users via an Ethernet and/or ATM Forum port to a personal computer or workstation while it connects on the other side to the Internet via an ADSL line.

³In Section 68.308(e)(1) of its rules, the Commission sets forth power limitations to protect the public switched telephone network ("PSTN") from crosstalk and other interference caused by excessive analog signal power into the PSTN. These limits, which apply to signals in the 4 kHz to 6 MHz frequency range, are intended to ensure that signals transmitted from terminal equipment above voiceband (i.e., above 4 kHz) do not interfere with telephone company transmission systems or services that operate in that range. 47 C.F.R. 68.308(e)(1) (1998).

may register its Model 1000 ADSL modem equipment under Part 68.⁴ Alcatel, by its attorney, hereby replies to the comments filed concerning the Petition.⁵

2. Alcatel's Petition is limited to requesting waiver of Section 68.308(e)(1) out-of-band signal limitations. Under prior Commission decisions, such a waiver will be granted if the petitioner demonstrates that the public interest would be served and that, based upon industry technical standards, no harm to the PSTN would result.'

3. Alcatel made this showing. Its Model 1000 ADSL modem offers business and residential consumers an innovative, competitively priced opportunity to exploit the benefits of the Internet and other broadband services. By now, over 140,000 of these modems are providing such high-speed capacity as part of numerous carrier network offerings. The Model 1000 ADSL modem satisfies the widely accepted industry standard, established by the Committee T1 Standards Developing Organization ("SDO"), to prevent crosstalk and other interference (i.e., ANSI T1.413-1998, Sections 7.14 and 7.15 -- criteria for out-of-band operations). These modems already have been widely installed by incumbent local exchange and other carriers in their networks without causing any harmful interference.

⁴As will be documented in its Form 730, Alcatel's Model 1000 ADSL modem otherwise meets all Part 68 requirements for registration.

Reply comments are due December 3, 1999. Public Notice, "Common Carrier Bureau Seeks Comment On A Petition Filed by Alcatel USA For Waiver of 47 C.F.R., § 68.308(e)(1)," DA 99-2281 (rel. Oct. 22, 1999).

"Northern Telecom, Inc., Memorandum Opinion and Order, 16 Comm. Reg. (P&F) 1143 (Chief, Network Services Division, Common Carrier Bureau, 1999); Paradvne Corooration, Order, 14 FCC Rcd 4496 (Chief, Network Services Division, Common Carrier Bureau, 1999).

4. Support for grant of the Petition is nearly unanimous. Lucent Technologies, Inc. asserts that such action clearly would be in the public interest.⁷ Similarly, Bell Atlantic advocates grant of the Petition, provided that it is conditioned on meeting certain requirements to prevent crosstalk interference.* Alcatel does not object to Bell Atlantic's request because it still must demonstrate compliance with these conditions when the Form 730 registration application for the Model 1000 ADSL modem is filed. Finally, TIA TR41.9 received an anonymous email expressing certain concerns over the methodology Alcatel used to demonstrate compliance with the requisite ANSI T1.413-1998 industry standard.⁹ This email has been included in the record of this proceeding notwithstanding TIA TR41.9's reported effort to have it retracted. Nevertheless, in Appendix A hereto, Alcatel addresses the concerns expressed in this email.

5. The record of this proceeding clearly supports granting Alcatel's requested waiver of Section 68.308(e)(1) for the Model 1000 ADSL modem. It is in the public interest because the attendant high-speed technology application to the telephone loop plant permits the wide spread deployment of broadband services to the general public and specifically to the residential user. Empirical evidence from the nearly 140,000 deployed

⁷Comments of Lucent Technologies, Inc. at 1.

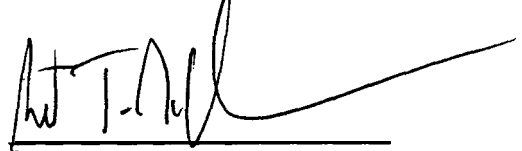
*Comments of Bell Atlantic at I-2. These conditions are that Alcatel's Model 1000 ADSL modem: (1) must meet the ADSL upstream power density mask and steady-state transmit power limits in ANSI T1.413; (2) must meet a minimum 35 dB transverse balance requirement across the ADSL frequency band; and (3) may be used only on ADSL-qualified loops. Id. at 2.

⁹This email has been included in the record of this proceeding. The concerns expressed therein are that Alcatel's methodology contained measurement uncertainty, inappropriate correction factors, no Sliding Window data, an incorrect PSD limit, and questionable measurement precision (see Appendix A).

modems and testing to the ANSI T1.413-1998 standard prove that no harm to the PSTN could result. Thus, Alcatel urges that the Commission promptly grant this waiver.

Respectfully submitted,

ALCATEL USA, INC.

A handwritten signature in black ink, appearing to read 'R. J. Miller', written over a horizontal line.

Robert J. Miller
Gardere & Wynne, L.L.P.
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
Telephone: (214) 999-3000
Facsimile: (214) 999-4667

Date: December 2, 1999

Its Attorney

APPENDIX A

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.