

July 29, 1982

Concurring Statement of  
FCC Commissioner James H. Quello

In re: AT&T proposed tariff FCC No. 270, Rates and Regulations for  
Bell Packet Switching Services

I have some serious concerns about that part of this order which cites "... AT&T's failure to have obtained appropriate certification under Section 214(a) of the Act..." as grounds for rejection of the BPSS tariff filing. Noting that Virtual Call Service and Permanent Virtual Circuit Service are forms of multiplexing and that we have required Section 214 certification for multiplexing in the past, the Commission now appears to make the leap toward regulating anything that has a multiplexing component. Such a sweeping approach would seem to lead us to requiring certification for all kinds of electronic switches. Before we take such a step, however, we should carefully examine its implications as a matter of policy and not simply cut off additional slices of regulatory sausage, one by one. I recognize our legitimate concern that relinquishing authority over multiplexing in this instance might send an unwarranted signal that we are abandoning that responsibility. Such is clearly not the case. While this is a close case, and a very complex one, I am deciding it in favor of a continuing interest in multiplexing rather than in a new interest in regulating switching, per se.

This action by the Commission is particularly troublesome because it is the first tariff filing by AT&T under Computer II guidelines. The carrier appears to have made a good faith effort to meet both the letter and the spirit of Computer II by including within the network modern digital switching technology. We have expressly stated that packet switching technology per se is not inconsistent with our concept of "basic" service under Computer II. Now that the ground rules have been more firmly established, I believe that we can look forward to the establishment of this important new service in the very near future.

Therefore, I concur.

285